# CHAPTER 3

# COMMENTS AND RESPONSES

This chapter contains a list of public agencies, organizations, and persons commenting on the Draft EIR. This list is followed by copies of written comments and a transcript of verbal comments made at the public hearing on the Draft EIR held by the Contra Costa County Zoning Administrator on November 25, 2003.

For each letter, substantive comments are identified by number. Each comment letter is followed by responses to the numerically identified comment. Responses that state that a change to the Draft EIR has been made are immediately followed by the appropriate text. Chapter 4 also contains a compilation of text revisions to the Draft EIR. Text deletions are indicated in strikeout; text additions are identified in bold underlined text.

**Table 3-1. List of Public Agencies, Organizations and Persons Commenting on the Draft EIR**

| Letter No. | Date | Source |
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| | | STATE AGENCIES |
| 1 | 12/22/03 | California Governor's Office of Planning and Research |
| 2 | 12/18/03 | California Integrated Waste Management Board |
| | | |
| | | REGIONAL AGENCIES |
| 3 | 12/12/03 | Association of Bay Area Governments, San Francisco Bay Trail |
| 4 | 12/22/03 | Bay Area Air Quality Management District |
| 5 | 11/18/03 | East Bay Regional Park District |
| | | |
| | | LOCAL AGENCIES |
| 6 | 12/12/03 | City of San Pablo |
| 7 | 12/22/03 | Contra Costa Environmental Health |
| 8 | 12/22/03 | West Contra Costa Integrated Waste Management Authority |
| 9 | 12/22/03 | The Beautification Committee of North Richmond |
| | | |
| | | ORGANIZATIONS |
| 10 | 12/08/03 | Richmond Chamber of Commerce |
| 11 | 12/19/03 | Save San Francisco Bay Association |
| 12 | 12/18/03 | Sierra Club |
| 13 | 11/23/03 | Trails for Richmond Action Committee |

| Letter No. | Date | Source |
|---|---|---|
| 14 | 12/22/03 | Trails for Richmond Action Committee |
| 15 | 12/02/03 | West County Toxics Coalition |
| | | |
| | | INDIVIDUALS |
| 16 | 12/23/03 | Eric Bledsoe, Electronic Innovations, Inc, |
| 17 | 12/22/03 | Larry Burch, West Contra Costa Sanitary Landfill, Inc. |
| | | |
| | | TRANSCRIPT |
| 18 | 11/25/03 | Public Hearing on Draft EIR |

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| **LETTER #1 RESPONSE** | California Governor's Office of Planning and Research<br>Terry Roberts, Director of State Clearinghouse<br>December 22, 2003 |

1-1 This letter acknowledges that copies of the Draft EIR were distributed to selected state agencies for review. The letter further acknowledges that the Lead Agency has complied with the State Clearinghouse review requirements for environmental documents, pursuant to the California Environmental Quality Act (CEQA). No additional response is required.

| LETTER #2 RESPONSE | California Integrated Waste Management Board<br>Diana Post, Environmental Review Staff<br>December 18, 2003 |
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2-0. This comment requests notification of any significant differences from staff's understanding of the Project as listed in pages 1 through 5 of the CIWMB comments. The following is provided as clarification:

- As listed in Draft EIR Table 3-3, the WRC Mixed Waste Processing Area may receive a peak amount of 1,400 tons per day and an average of 1,000 tons per day averaged over a 7-day period (TPD7). The WRC Organics Receiving Area may receive a peak amount of 1,134 tons per day and an average of 810 tons per day. Thus, the total amount of wastes received at the WRC may be a peak amount of 2,534 tons per day and an average amount of 1,810 tons per day.

- The roofed cargo containers for the Wet/Dusty Material Blending Area are but one option for the type of enclosure to be used. See Draft EIR Appendix 3E for more information.

- Other wastewater treatment facilities (WWTF) may be served in addition to the West County Wastewater District (e.g., City of Richmond WWTF).

- Current permitted maximum height of the Class II site is 130 ft elevation mean sea level (MSL) and not 120 ft (120 ft was the pre-1996 limit). As described in the RDSI, an overbuild of 10 feet is provided to account for future settlement conditions.

- With respect to the dates when the WCL Public Access Trail (Trail) segments may be opened, based upon permitting schedules known as of February 2004, the Phase I Trail segment projected opening date likely will be early summer 2004.

2-1. This comment recommends that the Final EIR and JTD include descriptions of the design and operational provisions of the facility that assure compliance with solid waste regulations and the ability to meet State Minimum Standards for environmental protection. It is the Applicant's intention for continued compliance with State Minimum Standards for environmental protection as will be stipulated in revised/new permits for the Project as described on page 3-43 of the Draft EIR. The JTD for the facility will detail the regulatory requirements and how the facility design and operation will assure compliance. Each chapter of the Draft EIR provides a description of the regulatory and planning framework for the Project which includes a summary of appropriate State Minimum Standards.

2-2. This comment suggests that the Final EIR should identify locations of waste originating outside of Contra Costa County and include an analysis of possible impacts and

mitigation measures associated with receipt of this waste. Currently, the WCCSL receives municipal solid waste and recyclable products from various jurisdictions in the San Francisco Bay Area region as described on page 3-3 of the Draft EIR. Under appropriate permits, the WCCSL will continue to receive such materials. Additionally, the existing waste streams, exclusive of the landfill waste, will be expanded and new materials will be received as described in Table 3-1 of the Draft EIR. Much of this increase would be associated with "new business," the origin of which cannot be determined at this time. However, the Draft EIR contains projections of this waste stream over time and includes an analysis in appropriate chapters of potential impacts and mitigation measures for the WCCSL site, the Richmond Parkway, and the Richmond Parkway ramps at I-80/580.

2-3. This comment requests that any additional information, maps, or diagrams be included in the Final EIR relative to roads and alternative locations for Project facilities. Figure 3-3 of the Draft EIR is the Site Development Plan and shows the locations of proposed Project facilities, including the alternative WRC site (Area A). Figure 3-5, Site Circulation Plan, has been corrected to show traffic flow to Project facilities which were inadvertently omitted. The revised Figure 3-5 and a new figure showing traffic circulation assuming use of the Area A location for the WRC are included in Chapter 4.

2-4. This comment suggests that the aerated static pile (ASP) composting process can be a significant odor source when not properly managed and additional mitigation measures must be taken. The commenter is correct to note that nuisance odor generation could result from an improperly managed ASP composting process. The Draft EIR, however, considers the ASP process to be preferable to the open windrow composting process relative to the types of feedstocks proposed. Development and phasing of the ASP process by the Applicant is described in Section D.1.b of the Draft EIR. Under review and oversight of the Local Enforcement Agency (LEA), the Applicant will be implementing the ASP process initially on a small-scale basis to gain design and operating experience with the various feedstocks under varying climatic conditions. Additional controls, as the commenter suggests, will be identified and implemented as the composting program expands to a full-scale facility. These controls will be incorporated into the Composting Facility Permit by the LEA/CIWMB.

2-5. This comment suggests that a site-specific Odor Impact Mitigation Plan (OIMP) is required by new compost regulations. The Applicant's OIMP, dated April 2003, is included in Appendix 10C of the Draft EIR. The plan will be included in the Enforcement Agency Notification and permit application that will be submitted to the LEA by the Applicant.

2-6. This comment correctly notes the Project site is in a "non-attainment" region for ozone. The attainment status of the region is discussed in Chapter 10, Section B1. It is noted that the BAAQMD is responsible for prioritizing facilities that emit air toxics.

2-7. This comment requests that the Final EIR should provide further details on monitoring to ensure safe, acceptable levels of pathogens. During the composting process, the

temperatures occurring in the piles and windrows will be monitored consistent with the CIWMB regulations. The sampling requirements adopted by the CIWMB will be met by the sampling location, sampling frequency, and use of qualified laboratories to check for levels of fecal coliform and Salmonella bacteria in the finished compost product.

2-8. This comment requests further information on compost markets and manner of handling off-spec products. According to the Applicant, the compost will be marketed in the San Francisco Bay Area, primarily to commercial compost wholesalers. If a batch of compost does not meet the marketing standards due to heavy metal or pathogen levels, the material may be used as an ADC product, recomposted, or placed on the landfill final cover surface as a soil amendment. If markets diminish, the amount of materials received for composting may be reduced. Excess materials will be applied as soil amendment on the HWMF or Class II landfill cap.

2-9. This comment expresses concerns over overburden impacts on environmental control systems and landfill gas hazard control. As discussed in the Draft EIR, overburden impacts are not expected to be significant. The structures to be placed on the final capped landfill, with the exception of the WRC at the Soil Storage Building location, are lightweight and pose no overburden impacts. The gas recovery and migration control system to be placed in the expanded building area for the WRC will be designed to withstand the overburden impacts of the new building subbase and structure weights. Design of the WRC at this location will include special attention to protection of the subsurface barrier wall surrounding the HWMF. Figure 3-4 in the Draft EIR has been revised to show which structures are underlain by fill materials and is included in Chapter 4 of this Response Document. See the Response to Comment 7-44 regarding the protection of structures for landfill gas entry.

2-10. This comment notes that appropriate regulations will need to be considered if additional waste or proposed facilities are located on top of or near landfill fill area. Comment noted, no additional response is necessary.

2-11. This comment relates to the use of ADC materials. The existing SWFP issued by the LEA and CIWMB includes approval of use of various materials. The proposed Project includes the co-use of some materials (e.g., layering of sludge ADC on top of shredded wood ADC). No significant environmental or public health impacts of use of such materials and methods at the WCL have been identified in the Draft EIR. According to the Applicant, the Applicant wishes to continue the use of ADC materials and has agreed to be more diligent in avoiding future inadequate cover conditions. The sources of the ADC materials are from regional San Francisco Bay communities. The location of the stockpiles and relative sizes are listed in the RDSI as being near the active face and supplying several weeks' amounts of ADC materials. Thus, the size of the piles will vary and may range up to an area of 200 ft x 300 ft and 20 feet deep.

2-12. This comment requests further information on measures that will be implemented to protect Trail users from aerosol and pathogen exposure due to biosolids application. Impact 11-7 in the Draft EIR addressed the health and safety impacts to Trail users

associated with biosolids application. Various control measures and mitigation measures were identified to reduce potential impacts to less-than-significant levels. With regards to application of sludge from WCWD lagoons, and if it cannot be demonstrated that the sludge is Class A material, the Applicant would need to demonstrate to the RWQCB that the necessary site restrictions will be used to conform to 40 CFR 503 regulations and provide the necessary public health protection. Additionally, it is our understanding that the cited regulation (27 CCR §20690(b)(4)) applies to the use of materials as ADC and not the use of biosolids as soil amendment materials.

2-13. This comment provides current information on pending and new regulations that may affect the WCCSL. No response is required.

2-14. This comment suggests that cumulative incremental impacts be addressed. Section E of Chapters 4 through 12 discusses cumulative impacts for each environmental issue area. A summary of the cumulative impact analysis is included in Chapter 14, Section A. The incremental impacts of the proposed Project's implementation is reflected in the analysis of future (2008 and 2015) waste stream projections, contained primarily in traffic (Chapter 8 of the Draft EIR), air quality (Chapter 10) and noise (Chapter 12).

2-15. This comment discusses the sudden oak death epidemic. Sudden oak is discussed under Impact 11-11 on page 11-36 of the Draft EIR. The Applicant reports that a Compliance Agreement has already been executed with the Contra Costa County Agricultural Commissioner. No further response is necessary.

2-16. This comment notes the revised regulations on closure and postclosure maintenance. According to the Applicant, the WCL Class II site Final Closure Plan was approved by the CIWMB, RWQCB and LEA in 1994, and hence the submittal of a preliminary Closure Plan does not apply to the WCL. Revisions to the Closure Plan will be submitted by the Applicant with the application for revision of the landfill SWFP. The LEA has notified the Applicant that no further closure work should be done until the existing Closure Plan has been updated.

2-17. This comment identifies the need for land use compatibility between the proposed Project and adjacent land uses. The proposed Project would occur within the boundaries of the existing WCCSL facility. The existing facility is a permitted solid waste management facility conducting landfilling, resource recovery, and bulk materials processing operations. The County General Plan land use designation for the WCCSL is open space (OS) and Class I Waste Disposal; zoning is P-1 Planned Unit Development/North Richmond P-1. The North Richmond P-1 provides that the current Integrated Resource Recovery Facility BMPC Land Use Permits 2054-92 and 2053-92 and amendments shall govern uses permitted for the BMPC project sites rather than this ordinance. The County General Plan and the North Richmond Planned District provide for the continuation of waste disposal and recyclables processing at the WCCSL Class II landfill site closure. The WCCSL is located outside the Urban Limit Line (ULL) as designed in the County General Plan. The WCCSL BMPC is identified in the County Integrated Solid Waste Management Plan, dated December 15, 1993.

2-18. This comment outlines the required elements of a Mitigating Reporting or Monitoring Program (MRMP) as defined in the California Public Resources Code §21080(c)2 and §21081.6. The MRMP will be prepared by the Lead Agency (in this case, the County) at the time of making findings on significant effects of the Project identified in the EIR. The WRC component of the proposed Project may occur within the City of Richmond or the unincorporated County area. The MRMP will include all mitigation measures to be adopted or to be made conditions of approval. Responsibilities for monitoring or reporting by a public agency or private entity will be specified. Per CEQA Guidelines Section 15097(b), until the mitigation measures are implemented, the County as Lead Agency is responsible for ensuring the mitigation measures are implemented in accordance with the MRMP.

2-19. This comment encourages the Preferred Environmental Alternative (PEA) to be implemented. It is the intention of the Applicant to implement the PEA. The PEA will be conditioned in appropriate permits from the County, City of Richmond, LEA/CIWMB, RWQCB and the BAAQMD.

| LETTER #3 RESPONSE | Association of Bay Area Governments<br>Laura Thompson, Bay Trail Planner<br>December 12, 2003 |
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3-1. This comment correctly points out an error in the description of the Public Access Trail (Trail) on page 3-40 and Figure 3-7. This error has been corrected and the corrected figure is included in Chapter 4 of this Response Document.

3-2. This comment questions the analysis and conclusion related to the elimination of Phase 4 of the Trail. A number of commenters have expressed concern over the removal of the Phase 4 Trail segment along the outer levee, contending that there is no basis for not including this segment of the shoreline Trail, and requesting that it be kept in the Project. This position was expressed in letters received from ABAG (Letter 3), Save the Bay Association (Letter 11), the Sierra Club (Letter 12), Trails For Richmond Action Committee (TRAC) in Letters 13 and 14, and in testimony received at the public hearing on the Draft EIR on November 25, 2003. This response provides clarifications on the purpose of the proposed Trail, and an expanded discussion of the methodology, policy, and data sources used in the analysis of Impact 9-4, and recommendations of Mitigation Measure 9-4 as presented in the Draft EIR.

**Purpose and Use of Public Access Trail**

The proposed Trail is not a part of the San Francisco Bay Trail system. It would serve as a spur trail as generally described in the North Richmond Shoreline Specific Plan. This plan is programmatic and does not contain detailed trail design. In addition, the specific plan also anticipated the need for refinement of the Trail alignment and/or improvements as represented by the numerous goals, objectives, and policies related to natural resource protection. The proposed Trail would accomplish the goal of providing public access along the landfill shoreline through development and operation of a trail on private property with on-going industrial uses.

**Applicable Policies and Codes**

It is the policy of the Fish and Game Commission that:

The preservation, protection and restoration of fish and wildlife resources within the State is of significant public interest and is inseparable from the need to acquire, preserve, protect and restore fish and wildlife habitat to the highest possible level, and to maintain in a state of high productivity those areas that can be most successfully used to sustain fish and wildlife and which will provide appropriate consumptive and nonconsumptive public use. To carry out these purposes, it is essential that a comprehensive program be implemented by the Department to assure that there will be close coordination with state, federal and local planning agencies, including county boards of supervisors and other decision-making entities

in the formulation and implementation of any plans including, but not limited to, county general plans and any modifications to such plans, which may impact fish or wildlife.

I. Commensurate with this policy, the Commission recognizes that:

A. The land resources of the state provide an essential habitat component necessary for the annual renewability and well-being of the state's fish and wildlife resources;

B. The land resources are a limited resource subject to increasing demands;

C. Conservation, efficient planning and implementation of various land uses are necessary to meet the competing needs of urban communities, industry, agriculture, recreation, and fish and wildlife;

D. There is a need for the Department to provide timely consultation with Federal, State and local governments and agencies on land use planning and projects with a view toward resolving conflicts with the Department management plans, programs and other responsibilities; and

E. Locally developed regional landscape conservation planning is a forward-looking method which can provide early resolution of land use/wildlife resource protection conflicts and lead to the preservation of essential wildlife habitat while allowing for appropriate growth and economic development.

II. To provide maximum protection and enhancement of fish and wildlife, the Department shall:

A. Promote the development of regional conservation planning at the ecosystem level through active participation in the local development of regional Natural Community Conservation Planning (NCCP) and other forward-looking multiple habitat conservation planning efforts;

B. Review, coordinate and provide comments and recommendations on federal, state, local general plans, special plans and proposed projects as appropriate, including the conservation and land use elements adopted by local government pursuant to provisions of Section 65300 et seq., of the Government Code for the purpose of determining the consistency of such plans with Commission policies, and the goals and objectives of the Department's management plans, programs and other responsibilities for the state's fish and wildlife resources. An initial review of local general plans will be completed by January 1986;

C. Carry out subsequent reviews of general and special plans and proposed projects and provide appropriate comments and recommendations to the affected federal, state and local government or agency, as needed to assure

such plans remain consistent with the Commission's policies and the Department's management plans, programs and other responsibilities;

D. Notify the Commission prior to adoption, if possible, but as soon as feasible, when a federal, state or local general or special plan, or a proposed project authorized by such a plan, is determined to be in conflict with Commission policy or the Department's management plans and programs, and would have a significant adverse impact on fish or wildlife resources. In the case of a local agency plans or special projects where changes are made late in the review and comment period or at an adoption hearing, notification of the Commission will be within 30 days following the receipt by the Department of the text of the approved plan or project;

E. Provide to the Commission as soon as feasible, the Department's remedial action or actins for responding to such findings and determinations or the Department's reasons for finding that no remedial action is necessary. In the case of local agency plans or special projects, notification of the Commission will be within 30 days following the receipt by the Department of the text of the approved plan or project;

F. Participate in the local land use planning process and project review implemented in connection with the requirements of Section 21,000, et seq. of the Public Resources Code, for the purpose of conserving and protecting fish or wildlife habitat consistent with the Department's management plans, programs and other responsibilities;

G. Oppose the adoption of plans or portions of plans for land use or approval of proposed projects if, after following diligent efforts to resolve issues affecting fish and wildlife resources, the Department finds such actions are not consistent with the Department's management plans, programs and other responsibilities and will result in significant losses to fish and wildlife resources.

**California Fish and Game Code**

Fish and Game Code Section 1801-1802

1801. It is hereby declared to be the policy of the state to encourage the preservation, conservation, and maintenance of wildlife resources under the jurisdiction and influence of the state. This policy shall include the following objectives:

(a) To maintain sufficient populations of all species of wildlife and the habitat necessary to achieve the objectives stated in subdivisions (b), (c), and (d).

(b) To provide for the beneficial use and enjoyment of wildlife by all citizens of the state.

(c) To perpetuate all species of wildlife for their intrinsic and ecologic values, as well as for their direct benefits to all persons.

(d) To provide for aesthetic, educational, and nonappropriative uses of the various wildlife species.

(e) To maintain diversified recreational uses of wildlife, including the sport of hunting, as proper uses of certain designated species of wildlife, subject to regulations consistent with the maintenance of healthy, viable wildlife resources, the public safety, and a quality outdoor experience.

(f) To provide for economic contributions to the citizens of the state, through the recognition that wildlife is a renewable resource of the land by which economic return can accrue to the citizens of the state, individually and collectively, through regulated management. Such management shall be consistent with the maintenance of healthy and thriving wildlife resources and the public ownership status of the wildlife resources.

(g) To alleviate economic losses or public health or safety problems caused by wildlife to the people of the state either individually or collectively. Such resolution shall be in a manner designed to bring the problem within tolerable limits consistent with economic and public health considerations and the objectives stated in subdivisions (a), (b) and (c).

(h) It is not intended that this policy shall provide any power to regulate natural resources or commercial or other activities connected therewith, except as specifically provided by the Legislature.

1802. The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. The Department, as trustee for fish and wildlife resources, shall consult with lead and responsible agencies and shall provide, as available, the requisite biological expertise to review and comment upon environmental documents and impacts arising from project activities, as those terms are used in the California Environmental Protection Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

**Wildlife Studies**

Reference was made by one commenter (TRAC Letter 13) to the two-year *Wildlife and Public Access Study, An Ecological Investigation Sponsored by the San Francisco Bay Trail Project* (Trulio and Sokale, 2002), which they believe demonstrates that there is no relationship between human use of trails and bird abundance or diversity and which contend should be applied to conditions of the isolated levee segment. Concern was also expressed over the appropriateness of some of the proposed Trail plantings, particularly the use of poison oak because of the allergic reaction some humans have to oils found in the plant.

The importance of the isolated levee segment is acknowledged on page 9-3 of the Draft EIR. Breaches in the outer levee have isolated an approximately 2,225 linear foot segment and now prevent access by humans and predatory mammals. Secure uplands are very rare along the shoreline of the San Pablo and San Francisco Bay systems, and predation by red fox, grey fox, raccoon, skunk, weasel, and feral cat and dog along most of the shoreline is a constant threat. Because of the water separation to the mainland, the uplands on this isolated levee segment now provide a relatively unique and secure location for resting, roosting, and possibly nesting for numerous birds. Birds are at less risk of disturbance or predation when using this levee segment, and as a result, this feature is well used by a variety of different species. This use was observed during a series of wildlife surveys conducted by LSA (2002), during the field reconnaissance surveys by the EIR biologist, and during the reconnaissance on February 28, 2003 with the local wildlife biologist of the California Department of Fish and Game (DFG), Mr. John Krause.

LSA recommended in their report on the results of wildlife surveys of the site that the Phase 1 alignment of the shoreline Trail was preferable, providing "the best opportunity for wildlife viewing and bay shore access while minimizing disturbance of birds using the habitats onsite and adjacent to the site" (LSA, 2002). Their report concluded that the Phase 4 Trail alignment had the potential to disturb large numbers of waterfowl and shorebirds that roost and feet to the southwest and west of the breakwaters and LSA discouraged use of this alignment.

During the field reconnaissance of the site in February 2003, the EIR biologist and Mr. Krause were in agreement that the Phase 4 Trail segment could have a significant impact on wildlife use of the isolated levee and foraging activity in the adjacent open water and mudflat habitat, based on the findings in the LSA report and observations made during the field visit of site conditions and wildlife activity. The letter prepared by Deidra Dingman, Solid Waste Program Manager for Contra Costa County, acknowledges this concern on the part of Mr. Krause and the desire to eliminate the Phase 4 Trail segment, if feasible (Contra Costa County, 2003). Mitigation Measures 9-4 (a) and (b) were recommended in response to these concerns, to eliminate the proposed Phase 4 Trail segment across the isolated levee segment, and the proposed Phase 1 extension to the north end of the mainland levee which ends at the first levee breach. Visitors would still have views of the shoreline along the Phase 1 alignment from the mainland and the extension to the proposed kayak staging area at the southwestern corner of Area C.

Given the objections expressed by the commenters over implementing these two recommendations, Mr. Krause was consulted during preparation of this Final EIR as part of a conference call on February 11, 2004 involving the EIR biologist, Ms, Dingman, and Mr. Joel Sabenorio, CDD EIR Coordinator. Mr. Krause confirmed his earlier concerns over disturbance to wildlife use of the isolated levee segment and the need to prevent access on the mainland levee segment between the proposed kayak staging area and levee breach approximately 1,875 linear feet to the north. Mr. Krause repeated his concern about connecting the isolated segment and the ongoing disturbance which would result from improved access by human and/or predatory mammals. Allowing human access along the 1,875 foot long levee segment to the first breach would create a trail system within 500 feet of

over half of Area C, and would contribute to repeated disturbance and possible flushing of birds using this portion of the open water and mudflat habitat on this portion of the site.

Mr. Krause's concerns are outlined in his letter of February 18, 2004, and is presented after this response. The letter summarizes the DFG concerns over the potential impacts of these Phase 4 and Phase 1 improvements, both to the isolated levee segment and the southern half of Area C, and need to prohibit construction of these two segments of the proposed shoreline Trail. He reiterates his recommendation to not construct these segments of the Trail system, options available to visitors which would still allow for a complete shoreline experience with less disturbance to wildlife, and his support of Mitigation Measures 9-4(a) and (b). He also requested that in addition to the recommended signage prohibiting visitor access called for in Mitigation Measure 9-4 (b), that the boundary of the exclusion area be delineated through installation of spit rail fencing or similar barrier to further discourage human access beyond the kayak staging area.

Mr. Krause also expressed concern over the potential for kayak users to enter the system of sloughs in the coastal salt marsh during the active breeding and nesting season for black rail and clapper rail. Both of these special-status species nest and forage along the channel banks, and could be flushed by kayak and canoe access in the channels. This is especially critical during the nesting season (February 1 through August 31) when access should be prohibited. The significance of this potential disturbance would depend on the frequency and duration of access, but could lead to nest abandonment or other significant disruption of rail activity. It was agreed during the conference call that installation of signage at the kayak staging area stating the sensitivity of the marshland and seasonal access restriction was the most effective method of addressing this concern.

In response to the concerns expressed by the CDFG, Mitigation Measure 9-4 on page 9-18 of the Draft EIR is revised as follows:

**Mitigation Measure 9-4**

a) The Phase 4 alignment of the Trail would be eliminated from the proposed Project to avoid the ~~require~~ resulting disturbance to shoreline habitat on this portion of the site and prevent the potential disruption to wildlife habitat and movement along the existing isolated levee segment. The proposed Phase 1 Trail improvements from the southern end of the mainland levee along the west side of Area C to the first breach in the outer levee would also be eliminated from the proposed Project, serving to minimize potential disturbance to approximately half of the open water and mudflat habitat in Area C. Split rail fencing or similar barrier would be installed within 10 yards of the point where the levee narrows north of the proposed kayak staging area.

b) Permanent signage would be installed as part of the required interpretive program at the southern end of the levee along the west side of Area C which deters visitor access to this segment of the levee. The signage would be installed at 20-foot intervals across the width of the levee, within 10 yards of

the point where the levee narrows north of the proposed kayak staging area. The signage would state:

> No Trail Access
> Sensitive Wildlife Habitat
> Visitor Access Prohibited

c) Permanent signage would be installed as part of the required interpretive program on both sides of the water access at the proposed kayak staging area to inform kayak users that access into the sloughs of the coastal salt marsh to the southeast is prohibited during the nesting season to prevent possible disturbance to rails and other wildlife. The signage would state:

> Sensitive Wildlife Habitat
> No Kayak Access to Marshland and Sloughs
> During Bird Nesting Season –
> February 1 through August 31

**Standards of Significance in Draft EIR**

Several commenters concluded that the recommended restrictions called for in Mitigation Measure 9-4 were unnecessary because no evidence was presented in the Draft EIR that "threatened or endangered species nest on the isolated section of the levee." These recommendations to eliminate components of the Phase 4 and Phase 1 Trail improvements were made to protect the unique function the isolated levee segment provides as resting, roosting, and possibly nesting habitat to wildlife in general, and to minimize disturbance of waterbird and shorebird use of much of the open water and mudflats in Area C. As indicated under the fourth significance criterion listed on page 9-10 of the Draft EIR, Appendix G of the CEQA Guidelines identify potentially significant environmental effects on biological resource to include "substantial interference with the movement of any native resident or migratory fish or wildlife species of with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites." In addition, Section 15065 of the CEQA Guidelines also state that a lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR be prepared where:

(a) The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish and wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory.

**Clarification of Conclusion in Impact 9-4**

The discussion in the Draft EIR does not assert that implementation of the Phase 4 Trail segment would have a significance impact on special-status species, as suggested by commenters. Instead, the discussion under Impact 9-4 on page 9-16 of the Draft EIR concludes that the improvements would greatly diminish and possibly eliminate use of this levee by many species, which would be a significant impact on existing wildlife habitat functions and values of this portion of the site. A large part of the unique values provided by the isolated levee segment is the upland habitat provided by the levee itself. The *Wildlife and Public Access Study* (Trulio and Sokale, 2002) referred to by the commenters addresses the general relationship between human use of shoreline trails and bird abundance or diversity in the surrounding foraging habitats. It does not address the affects of new Trail construction, or the loss of habitat from Trail construction into a previously inaccessible location, as found with the isolated levee segment on the site. Construction of a trail along the isolated levee segment would completely change the habitat conditions of this feature. The birds which currently use the uplands of the isolated levee for resting, roosting, and possibly nesting, would be affected by the new access by humans and predatory mammals. The levee segment would no longer be secure habitat, and this important function would be lost to the high number of birds which currently use this feature.

3-3. This comment questions the proposed use of poison oak and blackberry as vegetative barriers along the Public Access Trail. Considerable concern was also expressed over the appropriateness of using poison oak and blackberry as part of the Trail (Barrier) Planting Recommendations developed by Environmental Stewardship & Planning. Some of the commenters incorrectly state that the Planting Recommendations are contained in Appendix 3K of the Draft EIR, when in fact they are found in Appendix 9A. As stated in the Planting Recommendations, poison oak was recommended for plantings "well off the proposed Trail, so that it does not pose a hazard to Trail users." The intent was that it would be planted on lower bank areas and adjacent to marshlands, but within the vision of Trail users as a deterrent to potential "bush whackers". The slough channel along the south side of the Phase 1 segment between the Trail Parking Area and the proposed kayak staging area would prevent access into the marshland by humans, and use of poison oak or other potentially offensive methods does not seem necessary. Objections were also raised over the proposed use of California blackberry (*Rubus ursinus*) in the Planting Recommendations. Unlike the highly invasive, non-native Himalayan blackberry (*Rubus procerus*), California blackberry does not have the same prolific growth habitat and would provide excellent protective cover for species such as brush rabbit and black-tailed jackrabbit. It would not pose the potential health risk to Trail users, and would be appropriate in limited quantities as part of the diverse native planting palette. In response to the numerous objections to use of poison oak in the revegetation and barrier plantings, this species has been eliminated from the Bayside Trail Planting Recommendations. Mitigation Measure 9-1 on page 9-14 of the Draft EIR is revised to include the following additional provision:

g) Due to the possible hazard to Trail users, the Bayside Trail (Barrier) Planting Recommendations would be revised to eliminate poison oak from the revegetation planting palette and from any future landscaping plans for the Project.

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Contra Costa County, 2003, *West Contra Costa Sanitary Landfill, Contra Costa County, Proposed Amendment of Land Use Permit (LP #022026): Summary of Field Visit on February 28, 2003*, letter to Mr. John Krause, Associate Wildlife Biologist, from Deidra Dingman, Solid Waste Program Manger, dated March 10.

LSA, *Results of Wildlife Surveys at the West County Landfill, Richmond, Contra Costa County*, letter to Steve Peterson, Environmental Stewardship and Planning from Timothy Lacy, Project Manger/Wildlife Biologist, April 16.

Trulio, Lynne and Jana Sokale, 2002, Wildlife and Public Access Study, An Ecological Investigation Sponsored by the San Francisco Bay Trail Project, Preliminary Findings: 2 Years of Field Research from the Wildlife and Public Access Study.

**LETTER #4 RESPONSE**

4-1. This comment identifies a specific BAAQMD regulation that should be included in page 10-8, Chapter 10, Air Quality, of the Draft EIR. This correction is included in Chapter 4 of this Responses to Comments Document.

4-2. This comment questions the data value of 144.0 lbs/day of $PM_{10}$ shown in Table 10-4 on page 10-14 of the Draft EIR. That emission estimate was taken from the BAAQMD Permit for Plant #1840 dated May 14, 2002. Source 15 on the permit is identified as "Landfill with Methane Wells and Collection System." For clarity, this source has been renamed "Landfill/Collection System" on Tables 10-4, 10-5, and 10-6 of the Draft EIR which are included in Chapter 4 of this Responses to Comments Document.

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| **LETTER #5 RESPONSE** | East Bay Regional Park District<br>Steve Fiala, Trails Development Program Manager<br>December 18, 2003 |

5-1. This comment points out that the proposed parking area for the Public Access Trail (Trail) is in close proximity to a possible extension of the Wildcat Creek Trail to San Pablo Creek and thus should be identified as an opportunity for shared parking. Figure 3-7 from the Draft EIR has been revised to show the possible connection points that would link to the western end of the Wildcat Creek Trail.

5-2. This comment questions the proposed use of poison oak and blackberry as vegetative barriers along the public access trail. This comment is addressed in Response to Comment 3-3. No additional response is required.

5-3. This comment further questions the proposed use of poison oak and blackberry as vegetative barriers along the Public Access Trail, and suggests that a low profile fence may be more appropriate. This comment is addressed in Response to Comment 3-3. No additional response is required.

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| **LETTER #6 RESPONSE** | City of San Pablo<br>Adele Ho, Public Works Division Manager<br>December 12, 2003 |

6-1. This comment suggests that potential economic impacts of the Project be addressed in the Draft EIR. Economic effects of a project are not to be treated as significant effects on the environment, according to Section 15131(a) of the California Environmental Quality Act (CEQA) Guidelines. The issue of potential economic impacts is addressed in other public reviews of the Project by the jurisdiction with land use, permitting, or design review authority. The Draft EIR addresses the potential for significant environmental impacts to the natural and physical environment, and not the issue of garbage pickup rates.

6-2. This comment inquires whether the public drop-off hours at the landfill will be increased as part of the Project. The current hours when the landfill is open to receive self-hauled wastes are between 8:30 a.m. and 3:30 p.m. on weekdays. According to the Applicant, this time period allows the landfill operators in the morning to prepare the active area to be used that day for disposal, and in the afternoon time to cover the last wastes received prior to the end of the daily work shift. After the WRC is in operation, the daily time period for such waste receipt may be extended since that facility will be ready for operation earlier in the day and will operate into the evening. The Applicant is studying the optimum hours for receipt of the wastes at the WRC.

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| **LETTER #7 RESPONSE** | Contra Costa Environmental Health<br>Lori Braunesreither, Senior Environmental Health Specialist<br>December 22, 2003 |

7-1. This comment discusses the need and permitting requirements for an aerated static pile (ASP) Composting Demonstration Project. The Draft EIR recommended a demonstration project if open windrow composting were to be used for the proposed feedstocks, but not for the ASP process. As discussed in Chapter 13, Section D1(b), the Applicant is not proposing a demonstration project that would be conducted pursuant to CIWMB Research Composting Operations regulations. The intent of the Project phasing is to allow the composting techniques to be practiced by gradually increasing the types and amounts of materials composted, thereby gaining experience on the processing of the various feedstocks under varied climatic conditions. This approach would more aptly be called a "Pilot Project." The Applicant will be coordinating with the LEA regarding this activity and permitting requirements. The ASP process is used in a number of places in the U.S., including California.

7-2. This comment identifies a typographical error in Table 3-4 of the Draft EIR. For composting, the recycle/reuse in TPD should be 405, not 504. This correction is included in Chapter 4 of this Responses to Comments Document.

7-3. This comment questions the impact from the ASP blowers. No significant noise is anticipated since the blowers would use electrically driven motors and the sound would be equivalent to the existing blower used for the WCL landfill gas flare. The blowers would be in a fenced enclosure to exclude unauthorized access.

7-4. This comment requests further information on ASP monitoring in the compost maturing piles. The compost materials placed in the maturing piles will have been composted to the point where no significant temperature rise would occur during storage that would present the danger of spontaneous combustion. Similarly, no major amount of uncomposted materials would be contained in the maturing piles that would lead to nuisance odor production. The maturing compost is expected to be similar to that normally in process at the facility, which has not been a source of fires or odors, and hence monitoring is not expected to be required. According to the Applicant, the maturing piles would be placed in areas that had been used previously for such piles; the piles would be identified to reduce the chance that uncomposted materials containing pathogens would be mixed with the piled materials.

7-5. This comment requests a drawing be included clearly identifying the flexible compost/asphalt/concrete processing facilities boundary. Figure 3-3 from the Draft EIR has been edited to more clearly show the boundaries and is included in Chapter 4 of this Responses to Comments Document.

7-6. This comment requests more information on peak quantities of compostible materials. As listed in the Draft Report of Composting Site Information (March 2002), the peak amount of compostible materials (feedstock, amendments, additives, final product, etc.) on site at any one time will be 305,000 cu. yd. The following information from the RCSI provides background information.

The composting site annual operating capacity is estimated to be 305,000 cu. yd. This volume was calculated on the basis of the maximum amount of feedstock, active compost, curing compost, and stockpiled stabilized product on the site at any one time. The estimate of the operating capacity of the WCCSL Composting/Mulch Facility has been developed as shown below:

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| Feedstock amount on site | 59,000 cu. yd. |
| Active compost windrow amount | 150,000 cu. yd. |
| Curing compost amount | 32,000 cu. yd. |
| Stabilized compost in stockpiles | 64,000 cu. yd. |
| Total operating capacity | 305,000 cu. yd. |

The design capacity pursuant to 14 CCR Section 17863(h) is estimated to be 246,000 cu. yd. The estimate of the design capacity of the material flow into and out of the composting facility, which by CIWMB definition (Section 17857) includes only the material undergoing the composting process (active compost and curing compost) and does not include on-site storage of feedstock or stabilized compost, is based upon the following:

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| Active compost windrow amount | 150,000 cu. yd. |
| Curing compost amount | 96,000 cu. yd. |
| Total design capacity | 246,000 cu. yd. |

The 10-week average composting cycle allows about five 96,000 cu. yd. cycles per year. Thus, the annual processing capacity is about 450,000 cu. yd. The bulk density of the compost in the windrows has been assumed as 750 lbs/cu. yd. and the piled maturing or curing material would be about 800 lbs/cu. yd. The peak rate of compostibles delivery is estimated to be 630 tons in one day.

7-7. This comment requests further information on the type of nighttime lighting that would be used at the composting facility. According to the Applicant, possible after-dark activities include placing shredded material into the composting piles or windrows, turning the windrows, and taking materials out of the piles or windrows and placing them into the maturing piles. The windrow compost turner is equipped with lights for nighttime operation. Construction-type light stations may be used if necessary, as are now used at the landfill working face during nighttime operation.

7-8. This comment is related to comment 7-5. See response to comment 7-5.

7-9. This comment requests further information on the type of nighttime lighting to be used at the concrete/asphalt processing facility. According to the Applicant, possible after-dark activities include receiving asphalt/concrete materials for processing, crushing the materials, maintaining the stockpiles, and loadout of the finished materials. The crusher machine would be equipped with lights for nighttime operation. The skip-loader tractors used to move materials are also equipped with lights for nighttime operation. Construction-type light stations may be used if necessary, as they are now used at the landfill active face during nighttime operation.

7-10. This comment emphasizes the importance of preventing ponding in the concrete/asphalt processing facility. The reference to controlled ponding of wastewater from the concrete processing operation in Appendix 3C refers to the capture of excess water from that used in the dust control spray systems on the crusher unit and conveyors. Such wastewater would be captured in pans, lined basins or other controlled areas that will provide assurance that leakage of water will not occur form such areas.

7-11. This comment identifies the need to amend the County Integrated Waste Management Plan (CIWMP) to include the facility. Impact 4-4 in Chapter 4 of the Draft EIR identified the need for the County Non-Disposal Facility Element (NDFE) to be amended to include the proposed Waste Recycling Center as a transfer facility. The NDFE is a component of the CIWMP.

7-12. This comment requests information on the maximum capacity of the WRC building. As listed in the Transfer/Processing Station Draft Report (January 2003), the peak amount of wastes and recyclable materials within the building at any one time would be 5,500 cubic yards or about 1,400 tons of wastes and 1,000 cubic yards or 200 tons of recyclables.

7-13. This comment suggests the entire WRC building be enclosed at the beginning of operation. According to the Applicant, if the building is not ready for occupancy before the landfill active face capacity has diminished and the transfer operations must start, then the existing Shuttle Facility would be equipped with windscreens and litter fencing to allow short-term interim use of that area. With respect to the permanent WRC building, many California transfer stations function effectively with an open-sided building (e.g., Sonoma County transfer station at the Central Landfill site near Petaluma). The later addition of doors should be possible by adding them to a frame that was originally constructed to subsequently allow door installation. The doors could be added one bay at a time, with much of the work scheduled for nighttime when waste deliveries are minimal, thus causing little impact on the waste disposal and handling operations during the construction period.

7-14. This comment suggests that all equipment at the WRC be installed at the WRC before waste is accepted. The WRC will be a long-term operating facility. According to the Applicant, new equipment will need to be added either to allow more recycling or to modernize the facility. Examples of such equipment may be a shredder and baler to prepare the waste materials for a balefill-type landfill. The addition of such future

equipment can be accomplished by planning, engineering, fabrication, and installation that should not result in safety or operating problems. The design of the WRC is being planned to incorporate flexibility to allow and accommodate future changes.

7-15. This comment relates to interim use of the Waste Shuttle Facility. See response to comment 7-13. The existing sorting line would need to be modified to avoid wind-caused safety problems. Control Measure 11-1(g) has been added to Draft EIR Table 2-1 and to Impact 11-1 in Chapter 11. These additions are included in Chapters 2 and 4 of this Responses to Comments Document.

7-16. This comment requests further information on the type of night lighting to be used at the WRC. Lighting will be provided inside the building and at outside areas where operations occur. Poles with streetlights will be installed along the access road areas near the facility. The existing IRRF Processing Facility provides examples of the lighting that is being planned. The Transfer/Processing Station Draft Report (January 2003) describes the lighting.

7-17. This comment requests further information on traffic routes for the WRC at the Area A location. See response to comment 2-3. The traffic will pass through the entrance area to the location of the existing scale facility, proceed westward to a junction located near the northwest corner of the HWMF and proceed southward to the Area A location entering at the northwest corner.

7-18. This comment questions whether trees planted along the Class II site slurry wall would compromise the wall. Figure 13-2 is intended to show illustrative locations of the trees. The type of trees and setback distance from the wall will be governed by the performance requirement that the root balls of the trees not reach the slurry wall; thus, monitoring would not be necessary.

7-19. This comment requests further information on the types of restrictions for self-haulers exiting their vehicles at the WRC to unload. According to the Applicant, these vehicles will be unloaded by the vehicle occupants (adults only). Current WCCSL requirements indicate that children and dogs are to remain inside the vehicles. At the WRC building, the commercial trucks will use one end of the structure and self-haul vehicles will be directed to use the other portion. Traffic spotters will be stationed at the facility to minimize traffic interaction.

7-20. This comment requests further information on replacement of the Soil Storage Building with the new WRC Building and what studies and designs have been completed. The Applicant commissioned a consultant firm to prepare a conceptual design on repurposing the existing soil storage building to function as the WRC mixed waste processing facility. This involved retaining the existing building and extending it by 100 feet to the east (see Figure 3-5A in Chapter 4 of this Responses to Comments Document). Entrances and exits would be provided on the north side of the building for self-haul vehicles. Collection vehicles would unload in the new eastern portion of the building. The design was selected to maintain a setback of the facility from the HWMF subsurface barrier.

The floor of the existing building would be covered with additional material to level the paved surface. The drainage pattern around the building would be improved such that the drainage would run away from the building area and flow off the facility to the east and west. If additional design efforts indicate the rehabilitation of the building is impractical, a new structure would be designed and constructed.

The Applicant's discussions regarding replacing the existing building with a new structure are based upon utilizing the existing soil pad. No new wastes would be placed under that building site. Such a redesign would incorporate effective drainage and runoff controls.

7-21. This comment asks if the Area A location would be used for the WRC if the soil building is removed and additional waste placed. The Applicant's discussions regarding dismantling the existing building and placing new wastes at the building site assume the selection of Area A as the WRC Mixed Waste Processing Area location. The waste placement would be in the configuration of the full landfill buildout in the soil stockpile building location as shown in the existing WCCSL Closure Plan.

7-22. This comment asks what the storage limit time would be for all recyclables in the WRC Mixed Waste Processing Area. According to the Applicant, a performance standard to be incorporated in the Republic Services, Inc. WRC operation policy is that vector and odor problems would be prevented by removing the recyclable materials on a frequent enough basis. This may change during the year as weather conditions dictate (warmer vs. cooler weather). Most of the materials to be handled are non-putrescible wood, cardboard and metals. The Transfer/Processing Station Report (January 2003) provides more information.

7-23. This comment notes that high-moisture materials to be received at the Wet/Dusty Material Blending Facility should be non-hazardous and requests further information regarding the waste receiving protocol. The Republic Services, Inc. Bulk Materials Processing Center operation policy will limit the materials to non-hazardous wastes using the existing waste screening protocol (see Appendix A of this Responses to Comments Document).

7-24. This comment asks how the Wet/Dusty Material Blending Facility would be operated during the wet weather season. Draft EIR Appendix 3E indicates that the processing may be suspended during wet weather periods, unless the mixing would occur within a covered structure. The materials may be mixed in batches using metal boxes and an excavator, with the boxes covered with tarps during rainfall periods.

7-25. This comment requests further information on the maximum materials to be processed at the Wet/Dusty Material Blending Facility. According to the Applicant, this BMPC operation may not be subject to the SWFP (other than to be mentioned in the landfill permit as a co-use of the landfill property). The maximum amounts of materials processed will be governed by the size of the facilities that are provided. The processing will be done in batches. The 51,000 tons per year amount presumed that 130 batches

averaging about 350 tons each would be processed per year. The materials would remain on site to the point where sufficient material had been accumulated to economically move them. It may be possible to process the materials faster than was assumed.

7-26. This comment requests further information on the peak quantities to be processed at the Wet/Dusty Material Blending Facility. According to the Applicant, the peak amount of materials processed also would be governed by the size of the facilities that are provided. If the peak capacity is reached, additional wastes would not be received. Consideration may be given at that time to proposing a facility size increase through applicable permit applications.

7-27. This comment requests clarification on the operation of the Wet/Dusty Material Blending Facility. According to the Applicant, this is a long-term BMPC facility. It is planned to begin the operation prior to landfill closure with most of the materials utilized as on-site pollution control residue type ADC. After landfill closure, the materials may be useable for regrading under the concrete processing area or they may be removed from the site for ADC use at another landfill.

7-28. This comment requests further information on the type of night lighting to be used at the Wet/Dusty Material Blending Facility. According to the Applicant, possible after-dark activities (when wind speeds are normally less than during the daytime) include receiving the materials for processing, mixing the materials, and loadout of the finished materials. The mixing area would be equipped with lights for nighttime operation. The skip-loader tractors used to move materials would also be equipped with lights for nighttime operation. Construction-type light stations may be used if necessary, as are now used at the landfill active face during nighttime hours.

7-29. This comment requests further information on the type of night lighting to be used at the Wood Recovery Facility. According to the Applicant, possible after-dark activities include placing shredded material into the storage piles and loadout of materials. The skip-loader tractors used to move materials are equipped with lights for nighttime operation. Construction-type light stations may be used if necessary, as are now used at the landfill active face during nighttime hours.

7-30. This comment asks how the Soil Reclamation Facility will be operated during the wet weather season. According to the Applicant, the wet-weather operation is anticipated to be of lesser magnitude since fewer off-site construction activities occur during that period and thus less soil is available for processing. Those loads of soils received during the wet weather will be placed into stockpiles. Concurrently, less soil will be loaded out since the need for such soil will be diminished during wet weather periods. It is envisioned that during the wet weather period the operations primarily will be directed to maintaining the soil stockpiles to preclude ponding of water and to prevent erosion and silt discharge into the Area A drainage channel or the Area B lagoon.

7-31. This comment requests further information on the peak quantities to be processed at the Soil Reclamation Facility. According to the Applicant, the peak amounts of materials

processed will be governed by the size of the facilities that are available. If the peak capacity is reached, additional soils will not be received. Consideration may be given at that time to proposing a facility size increase through applicable permit applications.

7-32. This comment requests further information on the type of night lighting to be used at the Soil Reclamation Facility. According to the Applicant, possible after-dark activities include placing soil into the stockpiles and loadout of processed soil materials. The skip-loader tractors used to move the soil materials would be equipped with lights for nighttime operation. Construction-type light stations may be used if necessary, as are now used at the landfill active face during nighttime hours.

7-33. This comment notes the role of the RWQCB in the regulation of the proposed biosolids application activities. This is noted in Control Measure 6-4(d) and Mitigation Measure 6-4(a) of the Draft EIR. Control Measures 11-7(a-g) and Mitigation Measures 11-7(a-d) also relate to biosolids spreading and the RWQCB's role is defined. It is also recognized that the Applicant can continue existing biosolids application activities without permit amendment. Prior to new activities being undertaken at a rate above the current biosolids and dredged material handling procedures at the WCL, it is expected that WCL, Inc. will apply to the RWQCB for new permit requirements to be met for those changed operations.

7-34. This comment questions the effect of biosolids application on the landfill slopes and Public Access Trail (Trail). The dredged material spreading would not occur near the west and north slope Trail segments unless the material is used in a postclosure landfill slope maintenance project. No portion of the Trail would exist along the southern slope spreading area. Control Measure 6-4(d) and Mitigation Measure 6-4(a) in the Draft EIR would address acceptable hydraulic loading rates so that the sideslopes would not be overloaded.

7-35. This comment notes that leaving dried biosolids on the landfill sideslopes constitutes disposal and would not be allowed by the LEA or CIWMB. According to the Applicant, the WCL Closure Plan and Postclosure Plan contemplate additional depths of vegetative cover material may be provided to build a thicker final cap on the Class II site (also included in the approved HWMF Postclosure Plan). The planned retention of residual layers of biosolids/soil mixture left on the spreading area would be intended to achieve greater final cap thickness, and thus provide more protective buffer thickness above the low permeability clay layer in the final cap. This is not contemplated by the Applicant to be classified as a "disposal operation." Further discussions with the LEA and CIWMB will be necessary during the permitting process.

7-36. This comment also relates to removal of biosolids and dredged materials from the landfill sideslopes. See response to comment 7-35.

7-37. This comment relates to whether West County Wastewater District (WCWD) biosolids are Class A or B and the need for protection of employees and the public. The discussion under Impact 11-7 indicates that WCWD biosolids are at least Class B under 40 CFR 503

regulations, but there has been no demonstration whether biosolids from the WCWD would qualify as Class A. Mitigation Measure 11-7b would provide that documentation. Class A biosolids would be considered pathogen-free and would not require the same site restrictions as Class B biosolids for the protection of employees and the public. WCCSL would take Class B biosolids but Mitigation Measure 11-7c would apply.

7-38. This comment requests further information on the peak quantities to be processed at the Biosolids/Dredged Material Spreading Facility. According to the Applicant, the peak amounts of materials processed will be governed by the size of the facilities that are available. If the peak capacity is reached, additional materials would not be received. Consideration may be given at that time to proposing a facility size increase through applicable permit applications.

7-39. This comment requests further information on the type of night lighting to be used at the Biosolids/Dredged Material Spreading Facility. According to the Applicant, possible after-dark activities include receiving the materials and spreading them down the slopes. The tractor may also move about the slope to break the dried crust on the biosolids and muddy materials. The tractors would be equipped with lights for nighttime operation. Construction-type light stations may be used if necessary, as are now used at the landfill active face during nighttime hours.

7-40. This comment clarifies that treated auto shredded waste is not shredded on site and is not an approved operation in WCCSL's current SWFP. This clarification is included Chapter 4 of this Response Document. Additionally, clarifications are included indicating that C&D materials and most of the green material are shredded on site.

7-41. This comment correctly notes that the base of the landfill refuse is currently between 0 and -20 feet msl. No response is required.

7-42. This comment supports the concept that no animals/dogs be allowed on the Trail. No response is required.

7-43. This comment suggests that frequent inspections should be conducted to ensure no damage to the final cap and fencing. The Applicant's Postclosure Plan would include these inspection activities. The Applicant has agreed to include in the revised Postclosure Plan the monitoring activity of frequent inspections along the Trail to ensure damage to the landfill final cap or the security exclusion fencing has not occurred.

7-44. This comment suggests that landfill gas monitoring should be conducted inside all structures to be located on the landfill. Impact 11-4 discusses landfill gas migration and the need for monitoring at selected structures. It is the intention of the Applicant to comply with applicable CIWMB landfill gas hazard control regulations at all times. According to the Applicant, some structures (e.g., existing landfill office and scale attendant's office) are installed with an air gap under the building, thus avoiding landfill gas entry into the structure. Air gaps are included at the entrances of the underground wiring conduits to the buildings to preclude gas entry.

7-45. This comment correctly notes that the composting regulations became effective in April 2003. This update is included in appropriate Draft EIR text in Chapter 4 of this Response Document. The LEA also notes receipt of the Applicant's OIMP on April 16, 2003. No response is required.

| LETTER #8 RESPONSE | West Contra Costa Integrated Waste Management Authority<br>Steve Devine, Executive Director<br>December 22, 2003 |
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8-1. This comment suggests that the no-Project alternative analysis should discuss the results of Project non-approval by clearly showing the reductions in air emissions and traffic that would result when the landfill closes. The analysis of the no-Project alternative in Chapter 13, Section B is considered sufficient and adequate relative to compliance with CEQA and its purpose of informing the public and decision-makers of the consequences of Project approval and non-approval. Both the air quality and traffic implications are discussed in Section B. The no-Project analysis properly discusses existing conditions at the time the Notice of Preparation was published as well as what would be reasonably expected to occur in the future if the Project were not approved (CEQA Guidelines 15126.6(e)(2)).

For additional information on air quality, the commenter is referred to response to comment 8-49 which provides additional information. The air quality database properly considered emissions of existing landfill operations in developing Table 10-4. If landfill operation were excluded from Table 10-4, process emissions would remain the same, mobile equipment/vehicle exhaust emissions would decrease by a sizeable percentage, and fugitive emissions would decrease by a small percentage. Off-site road vehicle exhaust emissions would also decrease as municipal solid waste would be directed to an expanded Central Integrated Resources Recovery Facility (IRRF). For traffic, the commenter is referred to Table 8-4 of the Draft EIR. If landfill operations were excluded form this table, the 2,250 vehicles per day would be reduced by 1,600 to 1,700 vehicles per day. Many of these vehicles would be redirected to an expanded Central IRRF.

8-2. This comment suggests that the no-Project analysis does not contain an analysis that the proposed increase in resource recovery capacity associated with the Project is needed. It is the goal of the Applicant to maximize resource recovery and recycling opportunities consistent with the requirements or goals of the California Integrated Waste Management Act or Board. There is no requirement that the service area of the West Contra Costa Sanitary Landfill (WCCSL) has to be restricted to a certain geographical area. The intent of the Project proposal is to achieve the economy of scale offered by regional operations. The processing of only West County waste materials could adversely affect the economics of the required waste diversion activities. The location of the WCCSL served by existing freeways and adjacent to arterial roadways, allows the delivery of processible materials from other communities without significant regional or local transportation impacts. The area available at the site provides the opportunity to operate the facility at a regional scale. By combining the management and operation of a number of bulk material processing functions, the economies of scale can be realized. It should be noted that existing West Contra Costa Integrated Waste Management Authority/West County

Landfill, Inc. (Authority/WCL) contractual obligations preclude use of the IRRF Central Processing Facility as a processing center for the non-franchised wastes.

8-3. This comment suggests the no-Project alternative should be evaluated as a potentially superior alternative. Sections B2 and B3 in Chapter 13 of the Draft EIR provide discussions on the environmental considerations of the no-Project alternative and comparison to the proposed Project. Based on that discussion, there is no basis for considering the no-Project alternative as the environmentally superior alternative as it would not meet the Applicant's stated objectives, would not provide for more effective drainage management at the landfill, and a large increase in resource recovery processing capacity would not occur. The commenter is also referred to other comment letters in this Responses to Comments Document in which concerns are expressed about the impacts that an expanded Central IRRF would have on the North Richmond community and, thus, favor the proposed Project. Comment letters include The Beautification Committee of North Richmond (Letter 9), the Richmond Chamber of Commerce (Letter 10), and the West County Toxics Coalition (Letter 15).

8-4. This comment suggests the alternatives presented in Chapter 13 of the Draft EIR do not constitute a "reasonable range" consistent with CEQA Guidelines §15126.6(f). It is the position of the County Community Development Department, as Lead Agency, and the EIR consultant that a reasonable range of alternatives has been considered. In addition to the no-Project alternative, alternatives were considered that substantially meet the Applicant's Project objectives while addressing identified issues associated with the Project as proposed The alternative Area A for location for the Waste Recycling Center has some practical advantages over the former Soil Remediation Building location and avoids the settlement issues associated with that site. Aerated static pile (ASP) also offers advantages over the open windrow composting process given the types of feedstocks proposed, and would have less impact on the environment. Thus, the Preferred Environmental Alternative includes the Project with mitigation measures, the alternative Area A location for the WRC, and the ASP composting process.

8-5. This comment suggests that the discussion in Section E of Chapter 13 of the Draft EIR is not clear in what the Preferred Environmental Alternative (PEA) consists of and how it reduces Project-related impacts. A summary of the PEA is included in Table 13-4 of the Draft EIR which lists the main characteristics of each PEA component. Because the PEA includes EIR mitigation measures, the bulk of the EIR is devoted to how Project impacts would be reduced. Additional analyses of ASP and the alternative WRC site at Area A in Chapter 13 of the Draft EIR describe how these components of the PEA reduce Project-related impacts.

8-6. This comment suggests the analysis of alternatives is uneven. The discussion and analysis of alternatives in Chapter 13 of the Draft EIR were structured to meet the requirements of CEQA and the Lead Agency. An appropriate level of analysis and comparison was provided. Owing to the magnitude and complexity of the ASP composting process and alternative WRC site as Project alternatives, matrices were provided as Tables 13-2 and 13-3.

8-7. This comment suggests that development of the Trail in conjunction with other components of the Project is incompatible. The results of the analysis in the EIR do not concur with this opinion. This comment should be placed in the perspective that the proposed Trail is not a part of the San Francisco Bay Trail, and thus has a lesser public policy purpose. It is a spur trail specified in the North Richmond Shoreline Specific Plan that would accomplish the goal of providing public access along the landfill shoreline of the Bay, if it is feasible to develop and operate a trail at this location on this private property.

The co-location of the WRC at the Area A location and the adjacent Trail would not create any significant environmental impacts. The existing Central IRRF industrial processing operation has been adjacent to the Wildcat Creek Public Access Trail since its inception 9 years ago. Along the south property line of the Central IRRF a soil berm was erected, and a fence was placed on top of the berm next to the trail and across the creek from houses located about 300 feet away. Design of the WRC Area A site will involve a similar soil berm placed along two sides of Area A facing the Trail. The soil berm would be about 8 feet high and thus would provide a noise barrier and visual screen to persons walking on the Trail. The security fence placed near the top of the berm will be covered with vegetation, or visibility-screening material will be attached, thus providing additional height of the screening.

8-8. This comment contends that an additional land use impact should be included in the EIR to account for a reduced diversion rate if the Applicant elects to suspend recovery of materials at the WRC. Suspension of material recovery at the WRC is not proposed by the Applicant as part of the Project. The Applicant's potential future business management decisions are speculative and not normally the subject of an EIR; however, they may be appropriate for consideration in business agreements between the Applicant/WRC operator and its customers, and/or as conditions of approval in future use permits.

8-9A. This comment suggests the Draft EIR should include a more general discussion of the environmental justice implications of the Project, particularly related to potential cumulative impacts. The analysis of the environmental justice implications of the Project in Impact 4-5 of the Draft EIR is appropriate and adequate. The discussion of cumulative impacts in the Draft EIR did address the Project and the concurrent operation of an expanded Central IRRF, though it is considered unlikely that the two projects would be operating concurrently, at full design capacity.

The Applicant is aware of the fact that if the WRC is permitted at the WCCSL site, both the IRRF and the WRC would have the capacity and permits authorizing the transfer of solid waste for disposal. If the EIR is certified and the WRC is permitted and built, there would not be a need to have two fully permitted solid waste transfer facilities to haul waste for landfill disposal. The Applicant has agreed to the following supplemental provision:

"The Applicant agrees that in the event the WRC is permitted and built to provide transfer capacity of at least 1,000 tons per day, the Applicant will agree to amend its permits to relinquish the authority provided by the County Land Use Permit (LUP) No. 2053-92 for the IRRF and the IRRF Solid Waste Facilities Permit to transfer solid waste disposal at the IRRF, unless the West Contra Costa Integrated Waste Management Authority directs the Applicant to transfer JPA solid waste for disposal utilizing the IRRF facility. Nothing herein shall preclude nor be construed to preclude or otherwise limit the continued use of the IRRF as a recycling center for the management, handling and transfer of recyclable materials."

8-9B. This comment questions the capacities of the proposed Project conclusions in this letter based on Table 1 does not appear to be realistic for a worst-case scenario as not all activities would occur simultaneously. For the Central IRRF to handle 1,200 TPD, a new building addition would be required to jointly handle that tonnage while continuing to process recyclables. The design, construction and commencement of operation of an expanded building before the end of 2005 is not realistic due to the time required to design the expansion, obtain approvals, and complete construction, especially in light of the opposition being raised by North Richmond residents against any waste transfer operations at the Central IRRF. Thus, utilizing the 1,200 TPD permitted capacity is not practical during the remaining operation of the landfill. According to the Applicant, the commencement of operation of the WRC at the landfill is expected to occur in mid or late 2005, timed to sequence with the landfill closing process. Thus, the 1,000 TPD capacity of the WRC includes approximately 800 TPD of wastes now going to the landfill. Furthermore, based on available information regarding waste streams in the short term, it does not appear likely that the landfill would begin handling waste at its existing 2,500 TPD daily limit. Additionally, processing this volume is not practical since a very limited area remains available to handle the daily truck unloading and to place the wastes. Following this full landfill disposal scenario, then the landfill would be filled in one-third the remaining time (i.e., if the 2,500 TPD deliveries began in March 2004 and 24 months of maximum site life remained, then the landfill would be filled in 8 months or by November 2004). It is difficult to believe that the Applicant would elect to receive wastes at such a rate if the WRC transfer operations will not be available until mid-2005 at the earliest. Thus, the <u>total permitted capacity</u> of all the facilities proposed in the West County area is not realistic because they will not all be operational at the same point in time. The proposed Project with a combined total annual tonnage of 1,484,800 tons per year (4,068 TPD) appears to be a reasonable maximum project size, especially since it includes a projected increase of business above currently available amounts of wastes.

8-10. This comment suggests certain measures as "mitigation" for what have been described in the comment as socio-economic issues related to the Project. The preparers of the EIR do not agree that such issues would or should be considered significant impacts of the Project. The EIR and the materials comprising the administrative record do not support this conclusion. To the contrary, the administrative record indicates that the North Richmond community, located easterly of the Richmond Parkway, has stated its support for the Project in written communications to the Lead Agency commenting on the EIR (see comment letters 9, 10, and 15). In addition, pursuant to the provisions of CEQA, perceived or actual economic or social effects of a project shall not be treated as a significant effect on the environment. See, e.g., CEQA Guidelines, 14 CCR 15131.

The commenter's proposed mitigation measure on pages 4 and 5 of the comment letter are premised on the existence of an economic proposal which has been discussed between the Authority and Republic Services, Inc. (Applicant) relative to a proposal by which the solid waste under the regulatory authority of the Authority could be transferred through the Applicant's proposed transfer facility that is part of the Project. The commenter notes that at the time of writing of the comment letter negotiations were taking place regarding such a proposal. The economics of such a proposal are not part of the Project, the subject of this EIR. The proposed Project includes resource recovery operations at the WCCSL, and also a solid waste transfer station at the landfill site. The transfer station may, according to the Applicant, accommodate the Authority wastes as new business on a contractual basis. These wastes are currently disposed of in the West County landfill facility. The transfer station element of the Project, however, is not premised upon or dependent upon the transfer of Authority wastes through this facility. Therefore, the contractual negotiations of the parties are not relevant in any way to the adequacy of the EIR. As noted above, economic issues and effects associated with a project are not significant effects on the environment pursuant to CEQA. Thus, no mitigation is warranted or appropriate pursuant to CEQA. Moreover, as stated by the California Supreme Court in the leading case of *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, CEQA's rules regarding protection of the environment must not be used as an instrument for the delay of social, economic, or recreational development and advancement. The matter of a contract and the negotiation of its terms is a matter properly left to the negotiating parties, and is not properly the subject of this EIR or any mitigation measures associated with significant impacts of the Project identified in the EIR.

8-11. This comment notes that the Authority is aware of opposition within the North Richmond community to using the IRRF as a transfer station. No response is required.

8-12. This comment suggests a specific requirement or measure as a condition of approval for the Project, but this is not a mitigation measure pursuant to CEQA. The measure is premised on the outcome of negotiations between the Authority and the Applicant. See response to comment 8-10. The Authority, however, can require the Applicant to apply for an amendment to the County's LUP as a condition of contract negotiations. The current permit holder at the Central IRRF has vested rights for the property as defined by the LUP.

8-13. This comment suggests a specific requirement or measure as a condition of approval for the Project, but this is not necessary to mitigate any potential significant effect of the Project and, therefore, is not a mitigation measure pursuant to CEQA. See response to comment 8-10.

8-14. This comment suggests the County should adopt a Reduced Project Alternative. As discussed in response to comment 8-22, it is the position of the EIR consultant and the County Community Development Department as Lead Agency that a reasonable range of alternatives has been included in the Draft EIR and that further consideration of additional alternatives is not necessary. See response to comments 8-2, 8-4, and 8-9B.

8-15. This comment suggests an appropriate host mitigation fee be imposed as a condition of approval. Please see response to comment 17-14 for a discussion of this issue.

8-16. This comment suggests that the statement of page 8-8 of Section D1 of the Draft EIR should mention the possible future concurrent use of the IRRF. The discussion in Section D1 is accurate in the context of the proposed Project and the assumption in the assessment of Project-related impacts that the Central IRRF is not expanded. The assessment of potential cumulative impacts is included on page 8-23 of the Draft EIR.

8-17. This comment suggests that the discussion on page 8-8, Section D2(a) of the Draft EIR is not substantiated by Appendix 8A. The statement that "…peak activity occurs in the spring and fall" is an accurate portrayal of WCCSL activity. With the exception of one 4-day period (Appendix 8A – August 12-15), the period in late May is the highest continuous set of daily vehicles counts.

The basis for the peak activity reference in the Draft EIR comes from anecdotal information from the landfill operator and monthly data from the entry station that goes back several years. For example, based on the RDSI, the day with the highest peak tonnage in 2000 was on September 12. In 2001, the day of peak tonnage was on October 16. According to the Applicant, in 2002 the peak day was on November 29, and in 2003 the peak day was on April 7. Thus, past and reasonably current data supports the statement regarding peak activity periods at the WCCSL.

Generally, the winter months from December through March have the lowest level of activity. During the rest of the year, the monthly level of activity is fairly consistent. There are short-term periods that can occur during any of these remaining months when, due to weather factors and holidays, the amount of activity will increase dramatically. The peak activity generally occurs in the spring and fall.

8-18. This comment suggests the discussion of roadway and intersection capacity on page 8-15, Section D3 of the Draft EIR should include consideration of an expanded Central IRRF. The baseline for the analysis of traffic impacts is 2003, or about the time the Notice of Preparation process was completed (CEQA Guidelines Section 15125(a)). This approach is also consistent with County standards for the conduct of traffic impact studies. The

expanded Central IRRF is considered in the discussion of cumulative impacts in Chapter 8, Section E. Also, see response to comment 8-33.

8-19. This comment suggests there should be a discussion of impacts of Project-related traffic on I-580/I-80 roadway congestion. As discussed in Chapter 8 of the Draft EIR, the Project itself does not generate enough traffic to affect traffic conditions on I-580 or I-80. There would be no measurable change in traffic characteristics that could be determined. Therefore, the Project will not result in significant impacts to I-580/I-80.

8-20. This comment suggests the Draft EIR should reevaluate that the 1,050 TPD to the expanded Central IRRF would be entirely new traffic. The commenter is correct to note that the Project Description does indicate the Central IRRF would receive the West County franchised wastes (subject to decision of the Authority). However, it is also noted in the Project Description that the franchised waste could be processed at the proposed WRC and reduce the capacity available for the new business component within the facility's proposed design capacity. The assumption in the cumulative traffic analysis, as stated on page 8-25 of the Draft EIR, is that the additional 1,050 TPD necessary for the Central IRRF to reach its design capacity of 1,200 TPD would be entirely new traffic on the roadway system. This is a reasonable assumption. The cumulative analysis in Chapter 8 of the Draft EIR, where both the Central IRRF and WRC are operating at full capacities, did not reveal any impacts that could not be mitigated. The point regarding cost is moot, since no mitigations were identified in this EIR for the Central IRRF as it is not a part of this Project. The Central IRRF was previously evaluated and mitigation measures were implemented in the EIR prepared for that project in 1991.

8-21. This comment suggests the discussion of ramp congestion on page 8-26 of the Draft EIR does not clearly state whether the added traffic would exceed a significance criterion. There are no explicit, reliable standards of significance for evaluating freeway ramp congestion owing to the numerous variables involved in such a setting. Under cumulative conditions, and conservative assumptions, further congestion of the I-80 ramps would be expected during the AM and PM peak hours. It would be reasonable to expect that the Central IRRF would manage its peak-hour trips, as would the Applicant for the proposed Project.

8-22. This comment suggests a reduced Project alternative should be evaluated. The conclusion of total capacity as presented in this letter is based on Table 1. Table 1 is flawed as not all operations would occur simultaneously. It is the position of the EIR consultant and the County Community Development Department as Lead Agency that a reasonable range of alternatives has been included in the Draft EIR and that further consideration of additional alternatives is not necessary. See response to comments 8-2, 8-4, and 8-9B. To arbitrarily assume one-third of existing operation as a basis for a reduced Project alternative would not meet Project objectives such as public self-haul.

8-23. This comment expresses an opinion on graphics included in Chapter 3 of the Draft EIR. The figures are adequate. No response is required.

8-24. This comment suggests edits to Chapter 3 figures of the Draft EIR. Chapter 4 of this Response Document contains modified and new figures resulting from comment letters on the Draft EIR.

8-25. This comment correctly notes that Figure 3-5 from the Draft EIR does not show travel routes. A modified Figure 3-5 is included in Chapter 4 of this Responses to Comments Document and a new Figure 3-5 shows the proposed WRC site access and circulation plan. Additionally, a revised Figure 13-2 is also included in Chapter 4 showing traffic flow for the alternative Area A location.

8-26. This comment suggests Chapter 3 of the Draft EIR contain a table that compares the current and proposed waste quantities for each Project element, as well as the waste stream from other sources. Table 3-1 of the Draft EIR compares the existing and proposed permitted quantities, as well as locations of Project facilities. Table 3-3 shows both average and peak proposed quantities. These tables are considered to be sufficient for use in the Draft EIR. Also, see response to comment 2-2.

8-27. This comment suggests an edit to page 3-23. No change is required.

8-28. This comment suggests that either geotechnical studies should be performed now or performance standards be specified. The commenter states that mitigation measures 5-5 and 5-6 are not consistent with CEQA Guidelines since they could, in the opinion of the commenter, lead to deferral of the formulation of mitigation measures. The commenter also suggests that performance standards may be used in lieu of specific mitigation measures. The preparers of the EIR do not agree that any such mitigation has been deferred for the reasons set forth below.

The regulation of solid waste landfills is comprehensive, including federal Subtitle D regulations incorporated into the State's regulatory program, as well as specific state law requirements embodied in statutes and Title 27 of the California Code of Regulations ("CCR"). The regulatory framework is set forth at pp. 5-11 through 5-14 of the Draft EIR. The mitigation measures identified, 5-5 and 5-6, are both premised on the application of prescriptive and performance standards set forth in 27 CCR sections 20240(d) and 27150 regarding foundations for engineered structures and geology and seismicity standards applicable to waste disposal units.

For landfill waste management units, 27 CCR section 20240(d) provides:

> *"(d)* ***Unit Foundation —*** *All engineered structures (including, but not limited to, containment structures) constituting any portion of a Unit shall have a foundation or base capable of providing support for the structures, and capable of withstanding hydraulic pressure gradients to prevent failure due to settlement, compression, or uplift and all effects of ground motions resulting from at least the maximum probable earthquake [for Class III Units (see section 20370)] or the maximum credible earthquake [for Class II Units (see section 20370)], as*

*certified by a registered civil engineer or certified engineering geologist.* [Note: see also section 21750(f)(5).]"

Section 21750(f) provides the following detailed prescriptive and performance standards for geology and seismicity. Section 21750(f)(5) was summarized on p. 5-12 of the Draft EIR.

*"(f)* ***Geology.***

*(1)* ***Map and Cross-Sections —*** *A comprehensive geologic map and geologic cross sections of the Unit showing lithology and structural features. Cross sections shall be indexed to the geologic map and shall be located to best portray geologic features relevant to discharge operations.*

*(2)* ***Materials —*** *A description of natural geologic materials in and underlying the location of both the Unit and its surroundings, including identification of each rock's type, relative age, distribution and dimension features, physical characteristics, special physical or chemical features (e.g., alteration other than weathering), distribution, the extent of any weathered zones, susceptibility to natural surface/near-surface processes, and all other pertinent lithologic data, all in accordance with current industry-wide practice [e.g., California Division of Mines and Geology's (**CDMG**'s) Note 44 "Guidelines for Preparing Engineering Geologic Reports" (April, 1986)].*

*(3)* ***Geologic Structure —*** *A description of the natural geologic structure of materials underlying the location of the Unit and its surroundings, including: the attitude of bedding (if any); thickness of beds (if any); the location, attitude, and condition (tight, open, clay- or gypsum-filled, etc.) of any fractures; the nature, type (anticlinal, synclinal, etc.) and orientation of any folds; the location (surface and subsurface), age, type of surface displacement, attitude, and nature [e.g., aperture, amount of brecciation, degree of alteration and type of alteration products (tight, gouge-filled, etc.)] of any faults; and all other pertinent, related structural data, (all of the foregoing) in accordance with current industry-wide practices [e.g., CDMG's Note 42 "Guidelines to Geologic/Seismic Reports" (May, 1986), and CDMG Note 49 "Guidelines for Evaluating the Hazard of Surface Fault Rupture" (May, 1986)].*

*(4)* ***Engineering and Chemical Properties —*** *The results of a testing and estimation program, carried out by a registered civil engineer or certified engineering geologist, as needed to formulate and support detailed site design criteria, including:*

*(A) Determination of engineering and chemical properties of geologic materials underlying and surrounding the Unit, and of the*

*Unit's containment structure components (i.e., liner, LCRS, and final cover components);*

*(B) Determination, or estimation, of the engineering and chemical properties of the waste and other layers placed, or to be placed, within the Unit.*

*(5)* ***Stability Analysis —*** *A stability analysis, including a determination of the expected peak ground acceleration at the Unit associated with the maximum credible earthquake (for Class II waste management units) or the maximum probable earthquake (for Class III landfills). This stability analysis shall be included as part of the ROWD (or JTD) for the proposed Unit, and an updated stability analysis (if the original analysis no longer reflects the conditions at the Unit) shall be included as part of the final closure and post-closure maintenance plan. The methodology used in the stability analysis shall consider regional and local seismic conditions and faulting. Data and procedures shall be consistent with current practice and shall be based on an identified procedure or publication. The stability analyses shall include modifications to allow for site specific surface and subsurface conditions. The peak ground acceleration so determined shall be the stability and factors of safety for all embankments, cut slopes, and associated landfills during the design life of the unit. For landfills and for waste piles and surface impoundments closed as landfills, final cover slopes shall be designed in compliance with the slope requirements of section 21090.*

*(A) The stability analysis shall ensure the integrity of the Unit, including its foundation, final slopes, and containment systems under both static and dynamic conditions throughout the Unit's life, closure period, and post-closure maintenance period. The stability analysis shall include:*

*1. The method used to calculate the factors of safety (e.g., Bishop's modified method of slices, Fellinius circle method, etc.);*

*2. The name of any computer program used to determine the factors of safety; and*

*3. A description of the various assumptions used in the stability analyses (height of fill, slope and bench configuration, etc.).*

*(B) The stability analysis shall address all portions of the Unit and its immediate surroundings that are located in areas subject to liquefaction or unstable areas with poor foundation conditions, as*

*identified either in the ROWD or in the Seismic Safety Element of the County General Plan, and shall address all portions of the Unit that incorporate geomembranes as part of the Unit foundation or containment system (including the final cover).*

*(C) The stability analysis shall be prepared by a registered civil engineer or certified engineering geologist. Except as otherwise provided in (f)(5)(D), the report must indicate a factor of safety for the critical slope of at least 1.5 under dynamic conditions. Regardless of the analysis method used, the stability analysis report shall include at least the following elements:*

*1. Report preparation shall be in accordance with CDMG Note Number 42, "Guidelines for Geologic/Seismic Reports," May 1986, and CDMG Note Number 44, "Guidelines for Preparing Engineering Geologic Reports," April 1986, [both available from the California Division of Mines and Geology (CDMG), 801 K Street, MS14-34, Sacramento, CA 95814-3532, phone 916-445-5716] which are both incorporated by reference, and shall include the following seismicity elements:*

*a. A review of earthquakes during historic times;*

*b. Location of active major faults; and*

*c. Surface investigation of the site and surrounding area;*

*2. The location of the critical slope and other slopes analyzed to determine the critical slope shall be shown in map view;*

*3. Calculations used to determine the critical slope;*

*4. A profile of the critical slope geometry showing the various layers including the proposed fill surface, final cover, mitigation berms, lifts or cells of waste, fluid levels, or any feature that may serve to reduce the stability of the slope or may represent a potential failure surface; and the proposed ground surface, soil or rock layers and structural features;*

*5. The engineering properties of the refuse and other layers making up the site, shall be analyzed when determining the critical slope. These properties shall include a site specific*

*assessment of the strength parameters, the unit weight and, if using (f)(5)(D), the shear wave velocity of each of these layers;*

*6. An assessment of the engineering properties of the underlying foundation materials under both static and dynamic conditions based on field and laboratory tests as determined necessary by a registered civil engineer or certified engineering geologist;*

*7. The maximum expected horizontal acceleration in rock at the site determined for the design earthquake for the Unit under section 20370 [i.e., for Class II Units, the maximum credible earthquake (**MCE**), and for Class III Units, at least the maximum probable earthquake (**MPE**)], as supported by data and analysis. For Class III landfills, the maximum expected acceleration in rock from the MCE can be used instead of the MPE;*

*8. Seismic shaking parameters other than acceleration shall also be included in any assessment of dynamic slope stability. These parameters shall include at least earthquake magnitude and duration;*

*9. Documentation of any peer reviewed reduction factor for acceleration applied to attenuate the acceleration through the soil column or fill materials; and*

*10. Documentation, as part of the dynamic stability determination, of any peer reviewed amplification factor used for acceleration in loose saturated soils, if the Unit is located in an area subject to liquefaction, poor foundation conditions, or seismic amplification.*

*(D) In lieu of achieving a factor of safety of 1.5 under dynamic conditions, pursuant to (f)(5)(C), the discharger can utilize a more rigorous analytical method that provides a quantified estimate of the magnitude of movement. In this case, the report shall demonstrate that this amount of movement can be accommodated without jeopardizing the integrity of the Unit's foundation or the structures which control leachate, surface drainage, erosion, or gas.*

Mitigation Measure 5-5, relative to potential settlement of the landfill under existing and future fill loads, implements the above-described regulatory requirements, requiring the appropriate supplemental technical analysis and reports to meet the requirements of

sections 20240(d) and 21750(f)(5). There is no deferral of implementation of any potential additional mitigation, since the Lead Agency's requirement that the Applicant adhere to the applicable prescriptive and performance requirements of these regulatory requirements constitutes mitigation of the potential impact identified. The same is true for Mitigation Measure 5-6 relative to supplemental geotechnical study for compliance with the specific requirements of section 20240(d) and 21750 (f)(5). As with Measure 5-5, there is no deferral of implementation of any potential additional mitigation, since the Lead Agency's requirement that the Applicant prepare supplemental reports in compliance with section 20240(d) and 21750(f)(5) constitutes mitigation of the potential impact identified. In any event, the commenter concedes that pursuant to CEQA and the Guidelines, performance standards may be used in lieu of specific mitigation measures. Mitigation Measures 5-5 and 5-6 apply these standards as required and authorized by law.

8-29. This comment suggests that "direct damage to scenic resources" is not a significance criterion should be substantiated per CEQA Guidelines §15128. CEQA Guidelines §15228 also allows such statements to be included in an attached copy of an Initial Study. Appendix 1C of the Draft EIR contains the Initial Study. However, permits and the North Richmond Specific Plan already provide for ongoing resource recovery for at least 30 years after the landfill closes.

8-30. This comment suggests additional photosimulation to characterize the appearance of the landfill sideslopes after biosolids application. Additional information, including photographs, has been generated to respond to this comment and is included in Chapter 4 of this Response Document. No significant adverse impact on the scenic quality of this vista is expected.

8-31. This comment suggests that the visual impacts of the Project to Trail users be considered. As discussed in the Trail Development Plan (Appendix 3K of the Draft EIR), the goals are to provide recreational and increased access to the Bay shoreline, and to offer a setting for wildlife viewing and environmental education. The commenter's assertion that the Project site is part of the scenic resource is incorrect. It is recognized that the Trail would be on private property, that the WCCSL is located in an industrial setting of North Richmond, and that the facility is an operating, integrated solid waste management and disposal facility. Thus, Trail users whose presence would be elective and short-term in nature are not considered sensitive receptors. The Applicant, however, would make certain improvements with the Trail users in mind such as constructing an elevated landscaped berm with fencing along the southern and western boundary of WCCSL Area A which will soften the appearance of Area A facilities and buffer the Trail users from the WRC if it is located at the Area A location. Additionally, the Applicant would be subject to the requirements of revised use permits and would modify their existing Architectural Design Plan and Landscaping Plan as needed to assure that appropriate aesthetic improvements are made. Also, see other comment letters from trail organizations and agencies in this Response Document (letters 3, 5, 11, 13, and 14).

8-32. This comment suggests the WRC should be shown on Figure 7-5 in its Alternative A location. The WRC at Area A is not the proposed Project but is actually an alternative to the Project and therefore addressed in Chapter 13 of the Draft EIR. Please see Figure 13-5 in Chapter 13 of the Draft EIR for a visual simulation of the WRC at the Area A location.

8-33. The commenter has suggested that the EIR, contrary to the CEQA Guidelines, should have used a different baseline for evaluation of environmental impacts of the proposed Project, particularly with respect to air quality and traffic analyses. The commenter has urged that a hybrid environmental baseline consisting of the existing landfill and resource recovery operations, together with operations in the initial stages of the Project (assuming its approval) should be used, on the argument that it is possible (in the opinion of the commenter) that both proposed Project and existing condition could co-exist for a short period of time.

With respect to establishment of the environmental baseline against which project impacts are to be evaluated, the CEQA Guidelines provide that an initial study must identify the "environmental setting" before assessing the effect of the project (Guidelines §15063(d)(2).) The Resources Agency amended Section 15125(a) of the Guidelines in 1998 to define "environmental setting" as "the physical environmental conditions in the vicinity of the project, as they exist at the time . . . environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant . . ." (Guidelines, §15125(a).) The County, as Lead Agency, has utilized conditions at the time of the NOP as the most accurate and reliable baseline against which to measure effects of the Project.

The commenter is apparently urging that a different baseline be used in the EIR that would include both the current landfill operations as well as the operations under the proposed Project (including the transfer of waste and commencement of enhanced resource recovery operations) on the theory that both such operations could co-exist for a short period of time. The commenter is suggesting that the EIR should assume that the WCCSL landfill is continuing to operate, taking vehicles for disposal *in addition to* the waste-bearing vehicles that would use either the new WRC transfer station or the IRRF. The County, as Lead Agency, respectfully disagrees with the commenter's suggested approach, as it is not consistent with CEQA. Furthermore, it would be misleading, based on speculation, and contrary to the facts before the Lead Agency. Use of such an artificial baseline would therefore result in an inaccurate analysis of environmental impacts of the proposed Project, contrary to the goals of CEQA.

The County has properly determined that the baseline condition against which the proposed Project is to be measured is the current operations at permitted levels, which will be the environmental setting in existence leading up to, and immediately prior to, the implementation of the proposed Project were it approved. The Lead Agency has discretion under CEQA Guidelines Section 15126.2 to determine the most appropriate baseline conditions against which the projects impacts will be measured. *See, e.g.*, Napa

Citizens for Honest Government v. Napa County Board of Supervisors (2001) 91 Cal.App.4th 342, 363. In Napa Citizens for Honest Government, the EIR properly assessed a project's traffic impact in light of expected future conditions. See also, Fairview Neighbors v. County of Ventura (1999) 70 Cal.App.4th 238.

The basic timeline for the Project is that the landfill will close, and the existing WCCSL Landfill traffic and disposal operations will be directed to a new WRC transfer station and/or the IRRF. Among the reasons for the County's determination are the following:

1. The premise of the commenter's argument, that the transfer operations and the landfill disposal operations would co-exist for a period of time, is not a plausible scenario and the commenter has not presented any evidence suggesting it is either plausible or a reasonable interpretation of the facts. In fact, transfer operations *would replace the landfilling operation*. In short, the operations of the landfill and a transfer station are not concurrent or cumulative as the commenter is suggesting, but rather they are mutually exclusive. The EIR has evaluated the impacts associated with the proposed WRC which provides for the volumes of solid wastes that are currently disposed of in the West County Landfill (WCCSL), and some additional capacity for new business.

2. With regard to the franchised waste stream subject to the Authority's purview, that volume is currently disposed of in the WCCSL. It will either be (1) transferred via the IRRF when the landfill closes, or (2) transferred via the Applicant's proposed transfer station should the Applicant and the Authority reach an agreement for such an action. That matter is not the subject of this EIR and is not before the Lead Agency.

3. The self-haul tonnage currently disposed of in the WCCSL would be transferred via the Applicant's proposed transfer station once the WCCSL closes pursuant to the proposal evaluated in this EIR.

4. The traffic route to access either the IRRF or the WRC for purposes of estimating the Authority-franchised solid waste is the same for either the IRRF or the WRC transfer station – the Richmond Parkway. The only difference is whether those vehicles would make a turn onto Pittsburg Avenue to access the IRRF, or a turn onto Parr Avenue to access the WRC transfer station. The latter route is the current route for these Authority vehicles, so there is no change in the traffic pattern from the existing condition.

As such, there is no plausible or factually supported scenario by which the WCCSL, the IRRF and the WRC transfer station are all operating at full capacity so as to suggest a different baseline for Project impacts should be used. It would be speculative and inaccurate to analyze such a scenario, and to do so would be inconsistent with CEQA.

8-34. This comment requests further information on the number of parking spaces proposed for the Trail parking area. The Applicant anticipates that the Trail will have significantly less usage than the Wildcat Creek trailhead (which also serves the nearby Bay Trail segment). Thus, 19 parking spaces have been planned at the WCL compared to 35 parking spaces located at the Wildcat Creek trailhead. However, it is important to note that no change in parking is proposed as part of this Project; only a change in alignment and phases are proposed as part of this Project.

8-35. This comment requests further explanation of the right-most column of Table 8-4. "All other vehicles" is just a catch-all phrase to account for the unusual traffic that occurs at any landfill. It can include visitors, mid-day trips by on-site employees, maintenance vehicles, deliveries by UPS, and others. No modification to footnote "b" in Table 8-4 is necessary.

8-36. This comment suggests that traffic control measures in Section D3 be described in greater detail. The management and scheduling techniques referenced on Page 8-18 are regarding the peak commute hours on the Richmond Parkway and the I-80 freeway. During those hours, the garbage route collection trucks are either still on the collection routes or will have completed the work for the day. The trucks that would be scheduled by the Applicant to avoid congestion are the Project transfer vehicles that will carry the wastes from the WRC to the Potrero Hills Landfill in Solano County. These are vehicles that will be directly affiliated with the WRC either as being operated by the company or contracted to provide the hauling services for the company. The number of transfer trips per hour leaving the facility or inbound are anticipated to only be between 3 and 5 trips. The other vehicles that may be involved are those transporting in concrete or green materials for recycling at the facility, or the trucks removing the products for use off site. These vehicle operators are working on a timed basis and wish to avoid road congestion; hence following good business practices they will schedule the loads to avoid the times of traffic congestion. The Applicant reports that self-haul vehicles normally reach the site throughout the entire day. The WRC may offer an earlier opening time in the morning if business supports it, and the self-haul vehicle deliveries will be finished by the evening commute time. The proposed Project traffic would not result in any significant traffic capacity impacts.

8-37. This comment suggests the adequacy of Mitigation Measure 8-3 is questionable. The County and not the City of Richmond is responsible for roadway maintenance for all roads in the unincorporated area including Parr Boulevard. The mitigation measure as described was developed consistent with procedures used by the County Public Works Department in assessing pavement condition. No additional response is required.

8-38. This comment suggests that signage and striping alone may not provide sufficient safety for Trail users when crossing the landfill entrance. The Draft EIR considers the measures to be adequate in the foreseeable future. No change is proposed as part of this Project. Pedestrian safety was addressed in the prior Negative Declaration associated with the Class I site.

8-39. This comment requests further consideration of assumptions in Appendix 8A, page 4, regarding inbound and outbound traffic. These data are representative of the traffic patterns occurring at the landfill. Traffic patterns will differ during the seasons of the year, by month, by day of the week, and by other factors. The data are intended to illustrate typical traffic conditions. It is not unusual to have an individual 24-hour traffic count of a different total for entering and leaving vehicles, because there are employees coming in and out at all times of the day and night. The "missing" trips reflect vehicles that may be parked or stored within the landfill at the time of the count.

8-40. This comment requests further consideration of assumptions in Appendix 8A, page 6, regarding nighttime traffic. There is a minimal level of activity at a landfill at all times throughout the night, which is typical of landfill activities. This volume has been considered in the traffic analysis.

8-41. This comment requests further consideration of assumptions in Appendix 8A, page 16, regarding commercial traffic data. It is agreed the August data are somewhat unusual. Traffic studies, however, are based on average or typical conditions, not on a short-term anomaly.

8-42. This comment correctly identifies editing errors on page 10-3. These revisions are included in Chapter 4 of this Response Document.

8-43. This comment correctly identifies an editing error on page 10-6. This revision is included in Chapter 4 of this Response Document.

8-44. This comment correctly identifies an editing error on page 10-7. This revision is included in Chapter 4 of this Response Document,

8-45. This comment suggests Chapter 10 of the Draft EIR include clarification on the LEA's regulatory authority relative to odor. Appropriate revisions to page 10-8 are included in Chapter 4 of this Response Document.

8-46. This comment suggests there is insufficient information presented to confirm the accuracy of existing and future emission estimates. Appendix 10A to the Draft EIR has been expanded to include a statement of the assumptions used in the calculations shown in the spreadsheets and the estimated emission inventories prepared by the BAAQMD and included in the permits for current operations on the site. These BAAQMD inventories were the source of estimated existing process and other emissions on the site and provided in the soil-handling emission rate. The revised appendix is included in Appendix B of this Responses to Comments Document.

8-47. This comment suggests Tables 10-4 through 10-6 should be reworked to include composting emissions. Recent studies of emissions from composting operations were described and evaluated on page 10-16 of the Draft EIR. Based on conversations with Carol Allen, the BAAQMD permit engineer for the facility, composting ROG emissions

were not identified as a source that adds to the regional emission burden as described on page 10-12 of the Draft EIR and, accordingly, not included in Tables 10-4 through 10-6.

8-48. This comment suggests the ROG emissions in Tables 10-4 through 10-6 should be reworked. ROG emissions from the landfill gas collection system were included in the inventory of existing sources on the site (Table 10-4 of the Draft EIR) but inadvertently omitted from the emissions estimates for the Project in 2008 and 2015. The spreadsheet of process emissions in Appendix 10A of the Draft EIR has been revised to include this small source with the corrected spreadsheets included in Appendix B in this Responses to Comments Document. Future emissions were assumed to be proportional to the amount of landfill gas created. Tables 10-5 and 10-6 of the Draft EIR have been revised to reflect this source of ROG emissions and are included in Chapter 4 of this Responses to Comments Document. While the numerical value of impact shown in Tables 10-5 and 10-6 has increased slightly, conclusions regarding the significance of impacts are unchanged.

8-49. This comment correctly notes that emissions from on-road vehicles should include re-entrained road dust on paved roads. Using the California Air Resources Board's *Areawide Source Methodologies Section 7.9 Entrained Paved Road Dust Paved Road Travel*, an average $PM_{10}$ emission factor of 0.427 grams per mile was estimated for Contra Costa County. This emission factor is the most recent available and is specific to Contra Costa County. This factor was multiplied by project VMT and the result added to exhaust emissions. Tables 10-4, 10-5 and 10-6 have been modified to reflect this change and are included in Chapter 4 of this Responses to Comments Document. While the numerical value of impact shown in Tables 10-5 and 10-6 has increased slightly, conclusions regarding the significance of impacts are unchanged.

8-50. This comment suggests the emission inventories in Tables 10-5 and 10-6 should be reworked to include expected increase in VMT in future years. The average trip lengths of 20 miles were estimates and thought to be conservative. Trips to the Potrero Landfill would be longer than this average, but only comprise 3.4 percent of the truck trips to/from the proposed Project at buildout. To account for this longer trip length, diesel truck VMT was increased by 1,160 in 2008 and 1,360 in 2015 to account for the 40-mile round-trip trip length difference between the average and actual trip distances. These changes are reflected in the spreadsheet printouts in Appendix 10A and in Tables 10-4, 10-5 and 10-6 of the Draft EIR, which are included in Chapter 4 of this Responses to Comments Document. While the numerical value of impact shown in Tables 10-5 and 10-6 has increased slightly, conclusions regarding the significance of impacts are unchanged.

8-51. This comment correctly identifies an editing error on page 10-17. This revision is included in Chapter 4 of this Responses to Comments Document.

8-52. This comment suggests that the Project could result in exceedences of ROG and $NO_x$ threshold criteria and could impede the region's ability to reach attainment for ozone. See response to comment 8-47 regarding composting emissions. See response to

comment 8-48 regarding landfill gases not captured by the landfill gas system. See response to comment 8-50 regarding the effect of longer-than-average vehicles trips to Potrero Landfill. Tables 10-4, 10-5 and 10-6 have been revised to reflect updated emissions estimates and are included in Chapter 4 of this Responses to Comments Document. While the numerical value of impact shown in Tables 10-5 and 10-6 has increased slightly, conclusions regarding the significance of impacts are unchanged.

8-53. This comment correctly identifies an editing error under Impact 10-9. This revision is included in Chapter 4 of this Responses to Comments Document.

8-54. This comment suggests the Project could also result in significant unavoidable cumulative impacts for ROG and $NO_x$. See response to comment 8-52. BAAQMD CEQA Guidelines provides that project effects that are singularly significant will also be cumulatively significant. Project impacts on ROG and NOx emissions were found to be less than significant, and emissions of these pollutants from on- and off-site sources will be trending down over time with the proposed Project. Based on the analysis of emissions and BAAQMD significance thresholds, the Project would not have a significant cumulative impact on ozone precursors.

8-55. This comment correctly identifies an editing error on page 11-7. This revision is included in Chapter 4 of this Responses to Comments Document.

8-56. This comment suggests addition of a significance criterion to page 11-18. The last bullet under Section C on page 11-8 is the suggested criterion. No additional response is required.

8-57. This comment currently identifies an editing error on page 11-6. This revision is included in Chapter 4 of this Responses to Comments Document.

8-58. This comment correctly notes that noise attenuation from line sources alternate at a rate of 3 to 4.5 dBA. Changes to the text on page 12-3 are included in Chapter 4 of this Responses to Comments Document.

8-59. This comment suggests that noise measurement data were summarized in a table and a figure be included showing locations where measurements were taken. Appropriate revisions, including a new Figure 12-1, are included in Chapter 4 of this Responses to Comments Document.

8-60. This comment suggests that page 12-7 of the Draft EIR should describe whether or not the County has a noise ordinance that would apply to the Project. The County does not have a quantitative noise ordinance that would limit landfill noise emissions. A revision to the text for page 12-7 of the Draft EIR is included in Chapter 4 of this Responses to Comments Document.

8-61. This comment suggests further clarification on page 12-9 of the Draft EIR regarding the significance of a 3 dBA increase. The 3 dBA increase in ambient noise levels is either

hourly $L_{eq}$ or DNL. A revision to the text on page 12-9 of the Draft EIR is included in Chapter 4 of this Responses to Comments Document.

8-62. This comment suggests the noise chapter of the EIR does not acknowledge that the noise environment at residential areas along haul routes exceed the 60 DNL standard for residential users. A revision to the text on page 12-6 of the Draft EIR is included in Chapter 4 of this Responses to Comments Document.

8-63. This comment requests further clarification regarding why noise from increased truck traffic during nighttime hours would be less than significant. This determination is based on the fact that the volume of Project traffic projected under cumulative conditions is expected to be 43 percent greater than existing. Assuming that the truck percentage remains the same, the hourly $L_{eq}$ and DNL would increase by 1.6 dBA, which is less than significant. Revision to the text of Impact 12-4 is included in Chapter 4 of this Responses to Comments Document.

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| **LETTER #9 RESPONSE** | The Beautification Committee of North Richmond<br>Lee Jones, Chair<br>December 22, 2003 |

9-1. This comment expresses support for the location of the transfer station at the WCCSL rather than the existing Central IRRF location. No response is necessary.

9-2. This comment expresses support for the current mitigation fees on solid waste processed in the North Richmond area, and points out a range of impacts to the local community. These impacts include odors from composting, particulate matter from bulk material processing, air pollution, soil and water contamination, noise pollution, and destruction of wetlands. It should be noted that all of these impacts are addressed in detail in their respective chapters in the Draft EIR. With the exception of a potential significant impact related to particulates ($PM_{10}$), no significant impacts are expected related to odors, soil or water quality contamination, noise, or loss of wetlands.

9-3. This comment also expresses support for mitigation fees and requests that a portion of the fees be dedicated to the health of the local community. This comment relates to the proposed mitigation fee described in Mitigation Measure 4-5. Item (a) of Mitigation Measure 4-5 states that the mitigation fee would be subject to the joint control of the City and County. Funds would be used to defray costs of illegal dumping and associated impacts in North Richmond and adjacent areas. The mitigation measures related to health are in Chapter 10, Air Quality, and Chapter 11, Health and Safety.

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| **LETTER #10 RESPONSE** | Richmond Chamber of Commerce<br>Judith Morgan, President<br>December 8, 2003 |

10-1. This comment expresses support for the proposed Project, including locating the transfer station at the WCCSL rather than at the Central IRRF location. No response is necessary.

10-2. This comment incorrectly suggests that there is a "competing proposal" to expand the Central IRRF as a transfer facility. Expansion of the Central IRRF to operate as a transfer station was permitted in 1993 and is not part of the proposed Project. The EIR addresses the expanded IRRF operation in the No Project Alternative and the cumulative analysis. Also see response 9-1 for additional discussion of this issue.

| LETTER #11 RESPONSE | Save the Bay<br>David Lewis, Executive Director<br>December 19, 2003 |
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11-1. This comment correctly points out an error in the description of the Public Access Trail on Figure 3-7. This error has been corrected and the revised figure is included in Chapter 4 of this Responses to Comments Document.

11-2. This comment questions the analysis and conclusions related to the elimination of Phase 4 of the Public Access Trail. See response to comment 3-2. No additional response is required.

11-3. This comment questions the use of poison oak and blackberry as vegetative barriers along the Public Access Trail. See response to comment 3-3. No additional response is required.

11-4. This comment expresses support for the canoe and kayak staging area. See response to comment 3-2 for a discussion of the proposed kayak and canoe access to the Bay, and the need for seasonal restrictions to protect important nesting habitat in the nearby marshlands.

11-5. This comment requests further information on the amounts and sources of sewage sludge to be processed. No "sewage" would be received at the WCL. Sewage sludge or biosolids are proposed to be processed from various wastewater treatment plants in the San Francisco Bay Area similarly to the current Alternative Daily Cover (ADC) program where biosolids materials are now received at the WCL from San Mateo County, Alameda County and Contra Costa County. The WCWD treatment plant produces biosolids that are currently processed in the drying lagoons located at that plant. Current management practices involve removing the dried material in the fall season and utilizing it at the WCL. According to the Applicant, about 10,000 tons per year of the dried material are processed from the WCWD plant. Approximately an equal amount of dried biosolids are removed from the drying lagoons that were from the City of Richmond wastewater treatment plant. If these plants were to utilize mechanical dewatering equipment that produce biosolids cake at higher moisture contents, then the weight of the biosolids would greatly increase. The 50,000-ton proposed permit capacity would apply to the lagoon dried materials or to dewatered biosolids from other treatment plants in the region. The 50,000-ton limit would also include dredged material placed on the slope. This limit applies to the southern slope spreading and drying area.

| LETTER #12 RESPONSE | Sierra Club<br>Debbie Landshoff<br>December 18, 2003 |
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12-1. This comment suggests the Draft EIR severely underestimated the Project traffic projections. The traffic projections have not been underestimated. The projected 2015 traffic (Table 8-7 in the Draft EIR) is derived from calculations for both incoming and outgoing materials using the following procedure for each Project facility:

1. Estimate the percentage of each type of vehicle hauling material to and from the particular facility.

2. Estimate the bulk density of materials in each type of vehicle for material being delivered and recovered material.

3. Calculate the average weight of each type of vehicle for material being delivered and recovered.

4. Calculate the average daily (TPD7) weight of material received and recovered for hauling off site.

5. Calculate the average number of daily trips for each type of vehicle hauling material to and from the particular facility.

6. Estimate the number of other vehicles going to the particular facility.

7. Calculate ADT by doubling the sum of 5 and 6.

As indicated by the above procedures, the traffic estimates are based upon both the inbound loads of wastes and outbound loads of transferred wastes and recovered products. The data in the tables account for both the inbound trips and outbound trips of all vehicles. The analysis involved looking at vehicle size (self-haul, collection truck and other large trucks, and trailer trucks) for each activity proposed within the BMPC family of operations. Included are other vehicles such as those of employees, maintenance and fueling activities, inspectors and visitors. It should be noted that the wastes are delivered by smaller vehicles and the transferred wastes and recovered products are generally removed from the site by large trailer vehicles. Thus, over two-thirds of the 3,200 daily traffic trips for 2015 may be associated with waste delivery, while only about 1,000 trips are involved with transferring wastes or delivery of products to the markets.

Initially, the Applicant developed the 2015 traffic projections which were reviewed by Brown and Caldwell and Abrams Associates. Following a period of review and discussion, these projections were considered reasonable and complete for use in the Draft EIR. The Applicant's calculation sheets are included in this Responses to

Comments Document as Appendix C. Traffic projections for 2008 were developed using the assumptions stated in Section D.2.b of Chapter 8.

12-2. This comment suggests the Draft EIR does not have a direct comparison of current and proposed tonnages. See response to comment 8-26.

12-3. This comment suggests the projected tonnages and traffic numbers should be recalculated. Please see response to comment 12-1. The analyses in Chapter 8 were reviewed by staff of the County Transportation Planning Division and determined to meet their requirements and sufficient in terms of depth of analysis and accuracy.

12-4. This comment requests further information on source and amount of materials for the proposed sewage sludge processing. See response to comment 11-5.

12-5. This comment suggests the traffic and circulation impacts be re-analyzed based on correct traffic numbers. See response to comment 12-1.

12-6. This comment suggests that pavement striping and signage are not adequate safety measures for Public Access Trail users when crossing the landfill entrance. See response to comment 8-38.

12-7. This comment suggests that poison oak is not appropriate as a Public Access Trail planting. See response to comment 3-3 for information on appropriate Trail plantings and revisions to the Planting Recommendations contained in Appendix 9A of the Draft EIR. No additional response is necessary.

12-8. This comment suggests the Public Access Trail planting list contains species which are notorious for spreading and control plans are necessary. See response to comment 3-3. None of the recommended species from the Planting Recommendations in Appendix 9A of the Draft EIR are considered particularly invasive or problematic other than poison oak.

12-9. This comment suggests there is confusion in Impact 9-1 whether a fence or barrier plantings are recommended. As discussed in Impact 9-1, the barrier plantings would be incorporated along the upper elevations of the levee along the south side of WCCSL Areas B and C. Exclusionary fencing is identified in Mitigation Measure 9-1(a) for the 600-foot segment of the Phase 3 Trail north of the WCCSL as a means of preventing human access to the San Pablo Creek Marsh.

12-10. This comment suggests the plant list in Appendix 9A of the Draft EIR should be composed of species indigenous to the North Richmond area. See response to comment 3-3. None of the recommended species from the Planting Recommendations in Appendix 9A of the Draft EIR are considered particularly invasive or problematic other than poison oak.

12-11. This comment suggests measures to protect wildlife from predators may not be appropriate. Mitigation Measure 9-1(d) has been recommended in the Draft EIR based on input received from jurisdictional agencies, including the California Department of Fish and Game. Introduced red fox and feral cats are a large problem along much of the shoreline of the Bay, and high numbers of feral cats have been observed at the site.

12-12. This comment suggests Phase 4 of the Trail should not be eliminated and Mitigation Measure 9-4(d) is meant to control predators. See response to comment 3-2 for a detailed discussion of recommendations regarding protection of important wildlife features on the site. No additional response is necessary.

12-13. This comment suggests that air quality and odor impacts should be re-analyzed because the Draft EIR used incorrect estimates of traffic. See response to comment 12-1. No re-analysis is necessary.

12-14. This comment suggests that relying on proposed new emission standards to offset increases in traffic is not appropriate. The commenter misstates the conclusions of the Draft EIR. The analysis of diesel exhaust impacts does not rely on new emissions standards to offset increases in traffic. The risk assessment results were used to judge impacts. The reference to the statewide *Diesel Risk Reduction Plan* was intended to provide information on future trends in diesel exhaust emissions and health risks. Since the health risk assessment is based on a 70-year exposure, information on future trends provides background regarding the worst-case nature of the analysis.

12-15. This comment suggests that Trail closure is not an appropriate control measure to mitigate against the hazards created by spraying or spreading liquid biosolids. The reference in the comment to 50,000 tons is not appropriate regarding impacts on Trail use. As stated in the response to comment 11-5, that limit applies to the southern slope spreading and drying area, which is not near a Trail segment. Spreading of dried biosolids on the western or northern slopes would be a periodic operation, usually occurring one time during the year when the West County sludge lagoons are being annually cleaned of residue.

12-16. This comment suggests that the Draft EIR does not specify protections against plant pathogens within the local area and additional composting controls are necessary. Composting is an effective process for pathogen reduction and the requirements of 14 CCR §17868.3 for pathogen reduction must be met by the Applicant. The Applicant is obligated to comply with appropriate local, state, and federal requirements that relate to composting which will provide the necessary control measures. Additional restrictions on the composting process are not appropriate.

12-17. This comment suggests that noise impacts should be re-analyzed because the Draft EIR used incorrect estimates of traffic. See response to comment 12-1. No re-analysis is necessary.

12-18. This comment expresses support for the analysis of illegal dumping in the Draft EIR. No response is necessary.

12-19. This comment suggests the traffic analysis in the Draft EIR should include the impacts on the neighboring communities of North Richmond, Parchester Village, and west San Pablo. The focus of the Draft EIR traffic analysis on Richmond Parkway and Parr Boulevard is appropriate given that this is the approach roadway used by the great majority of Project traffic. The traffic analysis is consistent with the requirements of the County standards for conduct of traffic impact studies. No additional analysis is necessary.

12-20. This comment suggests that noise, air and traffic impacts should be re-analyzed because the Draft EIR used incorrect estimates of traffic. See response to comment 12-1. No re-analysis is necessary.

12-21. This comment suggests that noise and pollution impacts on Parchester Village be analyzed. At its nearest point, Parchester Village is located about 800 feet northwest of the Richmond Parkway. The discussion on page 12-14 of the Draft EIR is accurate for residential land uses along the Parkway. No noise impact to Parchester Village would occur.

12-22. This comment suggests the diesel risk assessment is limited to cancer risk and excludes asthma. Air pollution plays a well-documented role in asthma attacks; however, the role air pollution plays in initiating asthma is still under study and may involve a very complex set of interactions between indoor and outdoor environmental conditions and genetic susceptibility. Studies have shown that children who participated in several sports and lived in communities with high ozone levels were more likely to develop asthma than the same active children living in areas with less ozone pollution. Other studies have found a positive association between some volatile organic compounds and symptoms in asthmatic children. A large body of evidence has shown significant associations between measured levels of particulate matter outdoors and worsening of both asthma symptoms and acute and chronic bronchitis.

While these general relationships are known, it is not possible to perform a risk assessment for asthma. It is possible to do a health risk assessment for diesel exhaust particulate because specific rates of risk have been identified for the specific pollutant, diesel exhaust particulate. This means that statistical studies have identified a quantified risk associated with a given exposure.

In the case of asthma, no quantified relationship between exposure and health effect has been established. The problem is exacerbated by the multiple pollutants known to cause or worsen asthma. Even if a risk factor was available for ozone (the pollutant most clearly documented as causing asthma), it would not be possible to estimate a project-caused ozone increment, particularly on the local scale, since ozone is not released directly to the atmosphere, but is created in the atmosphere by photo-chemical reactions. With the current knowledge of the cause-effect relationship between pollutants and

asthma, it is not possible to conduct a quantified risk assessment for asthma in the same manner as was accomplished for diesel exhaust particulate cancer and non-cancer risks.

12-23. This comment suggests the Draft EIR does not study growth-inducing impacts. Chapter 14, Section C, provides a discussion of growth inducement. As discussed in that section, neither the County nor City General Plans identify provisions for additional resource recovery and disposal capacity as growth-inducing. Lower garbage costs would not seem to be a critical factor when people and businesses consider relocation.

12-24. This comment suggests the Draft EIR does not adequately study regional impacts. The scope of the noise, air quality, traffic, and roadway maintenance analyses in the Draft EIR is appropriate given the location of the WCCSL in an industrial area, an absence of sensitive receptors near the facility, and the availability of the Richmond Parkway for Project-related traffic which keeps most of the traffic off of neighboring city streets. The analysis of illegal dumping in the North Richmond area under Impact 4-5 is an important regional environmental justice issue. No additional regional analyses are necessary.

12-25. This comment suggests the Draft EIR lacks an analysis of recreational impacts. There are two significance criteria for recreational impacts in Appendix G of the CEQA Guidelines:

1. Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities . . .?

2. Would the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Criterion 1 is not relevant, while criterion 2 is relevant. The Public Access Trail is a component of the proposed Project and its effects on the environment were evaluated in appropriate sections of the Draft EIR. Impact 4-2 summarizes the effects on Trail users created by other Project activities in terms of noise, odor, public health, and traffic and safety. The goal of the Trail around the landfill facility, as discussed in Appendix 3K of the Draft EIR, is to provide recreation and increased access to the Bay, and to offer a setting for wildlife viewing and environmental education. This would be done in the context of the WCCSL being an operating resource recovery and solid waste disposal facility. The analysis in the Draft EIR did not reveal any impacts to Trail users that could not be mitigated to less-than-significant levels. In view that there is tremendous support for the Trail as evidenced by other commenting agencies and organizations in this Response Document, there is no basis that Trail users would be discouraged from using the Trail.

12-26. This comment suggests the Applicant could relinquish their permit for the Central IRRF in exchange for obtaining a permit for transfer operations at the landfill. The operator for the Central IRRF is West County Resource Recovery, Inc., which is a separate and distinct entity from the Applicant.

12-27. This comment suggests the EIR fails to consider a reasonable range of alternatives. See response to comment 8-4. In addition, it is the goal of the Applicant to maximize resource recovery and recycling opportunities consistent with the requirements of the California Integrated Waste Management Act. There is no requirement that the service area of the WCCSL has to be restricted to a certain geographical area. Revenue-generating activities are important in order to operate such a facility cost effectively. Smaller operations and more fees would be counter-productive to these goals and objectives.

12-28. This comment suggests the Draft EIR include an alternative in which biosolids treatment is limited to sludge generated by the WCWD. See response to comments 8-2, 8-22, 11-5, and 12-27.

12-29. This comment correctly points out that the WCCSL site spans both the City of Richmond and unincorporated County area. It incorrectly assumes that confusion and conflict is inevitable regarding the administration of mitigation fees and surcharges. Land use decisions are made by the agencies in the jurisdiction in which the use occurs. In this case, both the City of Richmond and County have successfully administered their respective permits for the WCCSL BMPC. Similarly, administration of applicable fees or surcharges also has been successfully implemented.

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| **LETTER #13 RESPONSE** | Trails for Richmond Action Committee<br>Bruce Beyaert, Chair<br>November 23, 2003 |

13-1. This comment correctly notes that Figure 3-7 incorrectly shows the Phase 1 spur as part of Phase 4. This error has been corrected and the revised figure is included in Chapter 4 of this Responses to Comments Document.

13-2. This comment suggests there is no evidence supporting the EIR recommendation of deleting Phase 4 of the Trail alignment. See response to comment 3-2 for a detailed discussion of recommendations regarding protection of important wildlife features on the site.

13-3. This comment suggests the EIR should rely on the Wildlife and Public Access Study by Trulio and Sokale. See response to comment 3-2 for a detailed discussion of recommendations regarding protection of important wildlife habitat features on the site.

13-4. This comment suggests that clear span bridges be used on the Phase 4 alignment. As discussed on pages 9-13 and 9-14 of the Draft EIR, construction of the Phase 4 improvements would require crossing the two breaches in the outer levee. Details on the proposed design are not available, but it is likely that fill will be required to increase the top of the levee to protect this segment from erosion, or to install supports for the new bridge crossing. The northern crossing would span a breach over 100 feet in length, and could require mid-span supports or other engineering solutions beyond a simple clear span. Any modifications to the shoreline and open waters of San Pablo Bay must be coordinated with the U. S. Army Corps of Engineers and BCDC, as called for in Mitigation Measure 9-3. See response to comment 3-2 for a detailed discussion of recommendations regarding protection of important wildlife habitat features on the site, including avoidance of the isolated levee segment.

13-5. This comment suggests that there is no basis for concluding the Phase 4 Trail alignment would have significant environmental effects. See response to comment 3-2 for a detailed discussion of recommendations regarding protection of important wildlife features on the site.

13-6. This comment suggests barrier plantings are not necessary. See response to comment 3-3 for information on appropriate Trail plantings, and revisions to the Planting Recommendations contained in Appendix 9A of the Draft EIR.

13-7. This comment suggests barrier plantings of poison oak and California blackberry is ill advised. The commenter is referred to page 9-11 of the Draft EIR. See response to comment 3-3 for a review of the appropriateness of proposed plantings along the shoreline Trail. None of the recommended species from the Planting Recommendations in Appendix 9A of the Draft EIR are considered particularly invasive or problematic other than the poison oak.

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| **LETTER #14 RESPONSE** | Trails for Richmond Action Committee<br>Bruce Beyaert, Chair<br>December 22, 2003 |

14-1. This comment suggests a manually activated stop light be considered at the Bay Trail crossing of the landfill access road. See response to comment 12-6.

14-2. This comment suggests that it is unacceptable to close the Trail due to biosolids applications. See response to comment 12-15.

14-3. This comment suggests that the Phase 4 Trail alignment should not be dismissed because of the cost and permitting requirements of the two required pedestrian bridges. The discussion on page 3-41 of the Draft EIR relating to the cost of and permitting requirements associated with the pedestrian bridges have been long-standing issues associated with Phase 4. These considerations, however, were not considered in Mitigation Measure 9-4(a) which is based on wildlife and habitat disruption. Also, see response to comment 3-4.

14-4. This comment suggests that current land use permits and the North Richmond Shoreline Specific Plan call for completion of the Phase 4 Trail. See response to comment 3-2.

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| **LETTER #15 RESPONSE** | West County Toxics Coalition<br>Dr. Henry Clark<br>December 2, 2003 |

15-1. This comment expresses support for the Project and not expanding the Central IRRF. No response is necessary.

15-2. This comment questions how the results of the liquid biosolids spreading demonstration project will be known to local residents. In order to research the potentially significant impact(s) to the environment, if any, and the feasibility of implementing the biosolids spreading project on a permanent basis, it was recommended in the Draft EIR that the project initially be a demonstration. When it has been determined that the project will be expanded (continued after the demonstration project is completed), the project should undergo the permitting and approval process in order to become a permanent activity. During the permitting process, the Lead Agency will use the results from the demonstration and compare them to the analysis, conclusions, and mitigation measures of this EIR. If required, a supplemental CEQA document, with public notification and review, would be prepared. As preparation of a supplemental CEQA document is an uncertainty, the commenter is encouraged to maintain regular contact with the Local Enforcement Agency (see comment letter 7) to monitor the status of the demonstration project and availability of results.

15-3. This comment suggests that biosolids discussion in the Draft EIR does not address microorganisms. The commenter is referred to Impact 11-7 on page 11-30 of the Draft EIR which focuses on the health and safety aspects of biosolids application.

15-4. This comment expresses a personal opinion that the North Richmond Municipal Advisory Council (NRMAC) should be included in the administration of mitigation fees in addition to the City of Richmond and County. This comment does not specifically address the analysis or conclusions in the EIR. No response is required.

| LETTER #16 RESPONSE | Electronic Innovations<br>Eric Bledsoe, President<br>December 23, 2003 |
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16-1. This comment suggests that Parr Boulevard is covered with dust and dirt due to landfill operations. According to the Applicant, the dirt track out from the landfill operations is being more aggressively managed by the landfill personnel. After the landfill closes, the active face area, which is the source of most of the tracked out material, will no longer exist. The BMPC traffic will travel on gravel or paved roadways, and the dirt and dust should be significantly reduced.

16-2. This comment suggests that storm water pollution from Parr Boulevard affects local creeks and the Bay. Storm water control is still very important to the environmental protection agencies. Reduction in the mud and soil trackout with the BMPC operations should reduce this impact.

16-3. This comment suggests the landfill causes dust problems in and around the commenter's building. This is a personal opinion by the commenter. No response is required.

16-4. This comment suggests the landfill causes traffic and safety problems on Parr Boulevard. This is a personal opinion by the commenter. No response is required.

16-5. This comment suggests the landfill causes littering and dumping on Parr Boulevard. This is a personal opinion by the commenter. No response is required.

16-6. This comment identifies abandoned vehicles as a problem, and the personal opinion that the WCCSL landfill operation is the cause of the problem. This comment does not address the analysis or conclusions of the EIR. The problem of abandoned vehicles occurs in North Richmond and other locations throughout the County and is not exclusive to locations in proximity to solid waste facilities. The problem of abandoned vehicles is more likely due to socio-economic issues, than to location of the WCCSL landfill.

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| **LETTER #17 RESPONSE** | West Contra Costa Sanitary Landfill, Inc.<br>Larry Burch<br>December 22, 2003 |

17-1. This comment updates the Trail opening date from December 1, 2003, to spring 2004. Changes in the appropriate Draft EIR text are included in Chapter 4 of this Responses to Comments Document.

17-2. This comment suggests a Project downsizing may be necessary to meet $PM_{10}$ emission requirements which will be addressed by the BAAQMD. No response is necessary.

17-3. This comment updates landfill site life with the Soil Remediation Building, still in place, and a typographical error is also noted. Changes in the appropriate Draft EIR text are included in Chapter 4 of this Responses to Comments Document.

17-4. This comment requests a revision of Mitigation Measure 4-5 by extending the time allowed for cleanup of illegally dumped materials. This revision is included in Chapter 2 and Chapter 4 of this Responses to Comments Document.

17-5. This comment suggests that the launch site for the Kids in Canoes Program would be environmentally friendly and would be developed in cooperation with interested entities. No response is required.

17-6. This comment requests that Mitigation Measure 10-1(f) involving watering of exposed soil stockpiles be modified from twice daily to as needed to control dust. It is agreed that watering can be reduced if a hardened crust is maintained. Refinements to this mitigation measure are made in Chapter 2 and the appropriate Draft EIR text in Chapter 4 of this Responses to Comments Document.

17-7. This comment clarifies that Control Measure 10-2(c) applies only to the WRC mixed waste processing area. This clarification is made in the appropriate Draft EIR text in Chapter 4 of this Responses to Comments Document.

17-8. This comment suggests that Control Measure 10-2(g) involving watering of green materials during unloading is not necessary as the materials are not a source of dust, but watering of the unloading areas and green materials would continue during the dry weather prior to grinding. These refinements are acceptable. Changes in the appropriate Draft EIR text are included in Chapter 2 and Chapter 4 of this Responses to Comments Document.

17-9. This comment suggests the odor monitoring program include the use of an odor panel and that the Applicant be given the opportunity to help design the program in coordination with the regulatory agencies. The use of an odor panel with protocols is identified in the

third bullet of Mitigation Measure 10-5(c). However, the Applicant's refinements are acceptable. Changes in the appropriate Draft EIR text are included in Chapter 2 and Chapter 4 of this Responses to Comments Document.

17-10. This comment correctly notes that the Odor Impact Minimization Plan (OIMP) as identified in Control Measure 10-6(a) only applies to the organics processing area of the WRC and the composting operation, not to the WRC mixed waste processing area. Changes in the appropriate Draft EIR text are included in Chapter 2 and Chapter 4 of this Responses to Comments Document.

17-11. This comment concurs that Impact 11-2 is less than significant. No response is required.

17-12. This comment provides further information regarding control of diesel spills and other chemicals during Project construction and operation. A Control Measure has been added to appropriate Draft EIR text in Chapter 2 and Chapter 4 of this Responses to Comments Document. A revised Surface Water Pollution Prevention Plan (SWPPP) was included as Control Measure 6-3(a).

17-13. This comment concurs with the finding of less than significant impact relative to Impact 4-2 and summarizes experience gained at the Central IRRF on compatibility of operations with the adjoining Wildcat Creek Public Access Trail. No response is required.

17-14. This comment refers to Mitigation Measure 4-5 and specific text on pages 4-20 and 4-23 in the EIR pertaining to mitigation fees. It expresses the presumption that mitigation fees would apply only to municipal solids waste (MSW) processed at the WRC, but would not apply to current landfill operation while it remains in operation or bulk materials processed at the expanded BMPC.

The presumption is partially correct. Mitigation Measure 4-5 is intended to cover all "solid waste and processable materials" handled at the BMPC (including the WRC), but will not be collected on waste disposed at the WCCSL. Also see response to comment 8-9A for additional discussion of fees.

17-15. This comment correctly notes that Class II landfill leachate will not be pumped to the WCWD sludge lagoons but rather to the City of Richmond WWTP via an existing sludge transport pipeline when the pipeline is not in use. These changes are included in appropriate Draft EIR text in Chapter 4 of this Responses to Comments Document.

17-16. This comment provides further clarification of comment 17-15. See response to comment 17-15. Also, further changes to text on page 6-13 of the Draft EIR are included in Chapter 4 of this Responses to Comments Document.

17-17. This comment updates when the liquefaction analysis for the WCCSL will be completed. Changes in the appropriate text of the Draft EIR are included in Chapter 4 of this Responses to Comments Document.

17-18. This comment correctly notes that the landfill gas-fired power plant noise adjacent to the Trail will be reduced following completion of the 8-foot-high security/visual barrier. No changes to page 12-5 are required as that text refers only to baseline conditions. Changes to page 12-11 text of the Draft EIR are included in Chapter 4 of this Responses to Comments Document.

17-19. This comment refers to changes in Appendix 3H, Biosolids Management Plan Summary. The updated summary is included as Appendix D to this Responses to Comments Document.

| LETTER TO PUBLIC HEARING TRANSCRIPT RESPONSE | Public Hearing Transcript<br>Hearing Date: November 25, 2003 |
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18-1. This comment inquires whether the public will have future opportunity to comment on the results of the biosolids pilot project. See response to comment 15-2.

18-2. This comment inquires about any other permits or agencies that will be involved in the oversight of the biosolids/dredged material spreading operation. At a minimum, the following agencies and related permits will be involved:

- Regional Water Quality Control Board San Francisco Bay Region, and U.S. Environmental Protection Agency, Region 9 Sludge Coordinator—related to compliance with 40 CFR 503 regulations pertaining to Class A and B biosolids, and in RWQCB Order No. R2-2002-0066 which regulates receipt and application of biosolids and dredged material at WCCSL.
- Contra Costa County Environmental Health and California Integrated Waste Management Board—related to the Solid Waste Facilities Permit.
- Bay Area Air Quality Management District—related to an Authorization to Construct, and Permit to Operate.
- U.S. Army Corps of Engineers—related to characterization and screening of dredged materials prior to application or disposal.
- WCCSL's Waste Acceptance Guidelines (as presented in Appendix 3I of the Draft EIR) which specify level of characterization required prior to receipt of waste materials.

18-3. This comment restates opinions expressed in Letter 16 from Electronic Innovations. Please see responses to comments 16-1 through 16-6.

18-4. This comment emphasizes the need for the Draft EIR to address the potential for litter and dumping of loads resulting activities in addition to the Central IRRF transfer station or proposed WRC. The impacts and recommended mitigation measures related to litter and illegal dumping are extensively discussed in the Draft EIR, Chapter 4 Land Use, Impact 4-5 and Mitigation Measure 4-5, on pages 4-16 through 4-24.

18-5. This comment suggests Phase 4 of the Trail alignment not be deleted. See response to comment 3-2.

18-6. This comment suggests that poison oak and blackberry be deleted from the Trail planting list. See response to comment 3-3.